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**In Pursuit of Just Forest Governance:
Lessons from the Everyday Practices of
Environmental Impact Assessment in Indonesia**

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THE UNIVERSITY
of EDINBURGH

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the requirements for the degree of
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Declaration

I declare that this thesis has been composed solely by myself and that the work contained herein is my own except where explicitly stated otherwise. Chapter 4 to 6 are jointly authored by my supervisors, Dr Alistair Hamilton and Dr Sam Staddon, in recognition of their input and editing. This thesis has not been submitted, in whole or in part, in any previous application for any other degree or professional qualification.

Jia Yen Lai

13 November 2020

Abstract

This thesis explores the role of “intermediary actors” in the inclusion (or exclusion) of environmental justice concerns (distributive, procedural and recognitional justice) within the Indonesia’s Environmental Impact Assessment (EIA). The role of EIA in bridging justice concerns and sustainability objectives held by different stakeholders across levels of governance is particularly important because EIAs are often the only environmental policy tools that are government sanctioned in many natural-resource-rich countries. Diverse intermediary actors, such as influential figures in communities impacted by EIA decisions, bureaucrats, NGOs, and environmental specialists from academia and private consultancies, play formal and informal roles in the negotiation of local people’s interests through the EIA process, yet the influences of these intermediaries have received limited scholarly attention. This thesis uses a case study of EIA in Indonesia to investigate the roles, interests and perspectives of these intermediary actors with regards to environmental justice concerns. It aims to contribute to the scholarship of forest governance and environmental justice. Three main questions drive this research: 1) What are the perceptions of culturally marginalised groups with regards to recognitional justice and the public consultation of EIA? 2) What are the intermediaries’ perspectives and prioritisations of environmental justice, and relevant norm mobilisation in the technical evaluation of EIA? 3) How does the involvement of intermediaries influence the incorporation of environmental justice goals in the impact management evaluation of EIA? Using data collected through policy review, semi-structured interviews and focus groups with a wide range of intermediaries and local villagers, this thesis presents how justice is conceptualised in Indonesia’s EIA policy, how it is perceived by the community affected by the EIA practices, and by the intermediary actors of the EIA process.

In answering the first question, Chapter 4 reveals how a lack of recognition of the identity and community of socially marginalised people resulted in the denial of these people’s

land rights, unequal distribution of social resources and limited access to land-use decision-making platforms. These intertwined experiences of injustice expose the structural flaw of the forest governance system that has failed to account for the pluralised justice concerns of various social groups. The second question is addressed in Chapter 5; the findings demonstrate that concerns related to distributive and procedural justice were crucial in the conceptualisation of justice by the intermediaries consulted. At the same time, social and cultural background i.e. the patriarchal norm and authoritative work culture, and the availability of various resources, have affected the ways the intermediaries interpreted and reacted to the existing and emerging ideas of justice in the EIA policy practices. Chapter 6 answers the third question and demonstrates different interpretations and expectations with regards to the legitimacy of representation by NGOs in the decision-making processes of EIA in Indonesia. The findings of this chapter highlight the importance of reviewing the current forest governance system in line with local demands for justice and people's perceptions of legitimacy and accountability.

This thesis contributes to the scholarship of forest governance and environmental justice by presenting differences in the ideas of justice held by different actors within the EIA process in Indonesia, which has become a central part of land-use conflicts between development and conservation goals. Those conflicts, in turn, can preserve experiences of injustice on the ground and perpetuate the justice gap between the theoretical expectation and forest governance practice. I argue that the perceptions and actions of intermediaries are critical to either preserving or tackling the unequal power relationships around gender, indigeneity and property rights, and thereby the realisation of just forest governance at the sub-national level. Paying attention to the accountability and legitimacy of state and non-state intermediaries is also vital for achieving environmental justice goals in forest governance policy and practices.

Lay Summary

This thesis explores the role of the people and organisations who mediate and negotiate environmental justice concerns within the Indonesia's Environmental Impact Assessment (EIA). Three themes cover major concerns of environmental justice: distributive justice (equal distribution of environmental benefits and harms between different people and their communities), procedural justice (public participation of environmental decision-making) and recognitional justice (recognition of diverse identities, different relationships between people and nature and different understandings of natural resource use). Those mediators, including influential local figures (village head, religious chief, customary chief, etc.), government officers, NGOs, and environmental specialists from academia and private consultancies, are commonly involved in the EIA process. Their involvement can influence how the interests of local people are considered when the government makes decisions of land use and business permits. Their influences, however, have received limited scholarly attention.

This thesis investigates the roles, interests and perspectives of these individuals and organisations with regards to environmental justice concerns within the Indonesia's EIA process. It aims to contribute to the scholarship of forest governance and environmental justice. Three main questions drive this research: 1) What are the environmental justice concerns of the migrant villagers who are excluded from full participation within the public consultation of EIA? 2) What are the environmental justice concerns perceived and prioritised by the environmental specialists and government officers involved in the technical evaluation of EIA? 3) How does the involvement of NGOs influence the incorporation of environmental justice concerns in the impact management evaluation of EIA? The analysis of this study makes use of the method of policy review, semi-structured interviews and focus groups with a wide range of local people and specialists involved in the EIA process.

In answering the first question, Chapter 4 reveals that the migrants interviewed struggled to claim their rights to land ownership, to access social welfare and to participate in the discussions on land-use in their village. These experiences of injustice reflect that the existing political system has failed to account for the justice concerns of various people, especially of those who do not fit into mainstream culture. Chapter 5 addresses the second question and shows that the environmental specialists and government officers consulted mainly linked “justice” with the ideas of equal distribution of environmental benefits and harms and “fair” public participation. Those interviewees’ social and cultural background, and their access to technical and social resources have affected the ways the specialists and government officers interpreted and reacted to the existing and emerging ideas of justice in the EIA policy practices. Chapter 6 answers the third question and presents that different interviewees had different understandings with regards to whether NGOs can represent the voices of local people in the decision-making processes of EIA in Indonesia. This chapter highlight the importance of reviewing the current land-use system in line with local demands for justice and the factors that influence people’s trust in NGOs in Indonesia.

This thesis contributes to the scholarship of forest governance and environmental justice by presenting differences in the ideas of justice held by different people and organisations within the Indonesia’s EIA process. Such differences of ideas have become a central part of land-use conflicts which, in turn, can preserve experiences of injustice on the ground and perpetuate the justice gap between the theoretical expectation and forest governance practice. The perceptions and actions of those people and organisations are critical to either preserving or tackling the inequality around political power, gender, indigeneity and property rights, and thereby the realisation of just forest governance at the sub-national level. Paying attention to the questions of what justifies a person or organisation in representing local voices and how to make them accountable for their actions also helps address the environmental justice concerns in forest governance policy and practices.

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Acronyms

AMDAL	<i>Analisis Mengenai Dampak Lingkungan</i> (Environmental Impact Assessment)
ANDAL	<i>Analisis Dampak Lingkungan</i> (Environmental Impact Assessment Analysis/Report)
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
EIA	Environmental Impact Assessment
EIE	Environmental Impact Evaluation
EJ	Environmental Justice
EMD	Environmental Management Development
FPIC	Free, Prior and Informed Consent
GDP	Gross Domestic Product
GRDP	Gross Regional Domestic Product
KA-ANDAL	<i>Kerangka Acuan – Analisis Dampak Lingkungan</i> (Terms of Reference)
KLHK	<i>Kementerian Lingkungan Hidup dan Kehutanan</i> (Ministry of Environment and Forestry)
LSM	<i>Lembaga Swadaya Masyarakat</i> (Self-Reliant Community Development Institution)
LU	<i>Lahan Usaha</i> (Business Land)
MoEF	Ministry of Environment and Forestry
NGO	Non-Governmental Organisation

OrMas	<i>Organisasi Kemasyarakatan</i> (Societal Organisation)
RKL	<i>Rencana Pengelolaan Lingkungan</i> (Environmental Management Plan)
RPL	<i>Rencana Pemantauan Lingkungan</i> (Environmental Monitoring Plan)
RSPO	Roundtable on Sustainable Palm Oil
SDGs	Sustainable Development Goals
SPPL	<i>Surat Pernyataan Pengelolaan Lingkungan</i> (Statement of Management and Environmental Monitoring Ability)
TOR	Terms of Reference
UKL	<i>Upaya Pengelolaan Lingkungan Hidup</i> (Environmental Management Measure)
UPL	<i>Upaya Pemantauan Lingkungan Hidup</i> (Environmental Monitoring Measure)
UN	United Nations

1 Introduction

1.1 *Addressing the nexus of forests, livelihoods, and justice*

Around 1.6 billion people, including many of the world's rural poor, depend on forests for their livelihoods (Food and Agriculture Organization of the United Nations 2015). Access to forests, particularly in biodiversity-rich tropical areas, provides forest-dependent populations with essential ecological services, such as water catchment, nutrient cycling, erosion and landscape protection, and agricultural production. The promotion of sustainable use of forest ecosystems is fundamental to human existence and development, from tackling poverty and hunger to mitigating climate impacts and achieving social justice (United Nations 2015).

Conservation actors have long demonstrated the interconnectedness of forests with many other social issues, and yet, addressing forest loss and degradation remains a huge challenge. Between 2010 and 2020, the net loss of global forest areas, particularly in Latin America, Africa and Asia, was around 4.7 million hectares annually (Food and Agriculture Organization of the United Nations 2020). Simultaneously, land-use conflicts¹ and resistance against social and environmental harms continue to emerge due to competing demands for natural resources. In the past seven years, for example, the Environmental Justice Atlas (EJAtlas) has documented over 3000 cases (as of February 2020) of local environmental struggles from around the world (EJAtlas n.d.).

As the pressure to combat climate impacts, biodiversity loss and land-use disputes rise, so too has the international pressure on forest-rich countries to improve their forest governance. Public and private actors, from global to local scales, have sought to stem

¹ This thesis defines land-use conflicts as mobilisations, resistance and social movements by local populations, which might also receive assistance of national or international networks against particular economic activities, infrastructure construction or pollution whereby environmental impacts are a key element of their struggles.

deforestation through various means including law enforcement, sustainable certification schemes, and the zoning of protected areas. Global forest governance has gradually developed from command-and-control approaches to participatory models; neoliberal logics of market-based approaches to land-use governance however are often attached to those participatory models (Büscher and Fletcher 2020). The applications of participatory mechanisms may create the illusion of more equal involvements and more options of resource use for forest-dependent communities. Policy makers and implementers who apply market-oriented logics in the practices of participation may, in turn, engage communities in potentially unequal power structures again.

The development gains of deforestation also often flow elsewhere (usually upwards) while the most socially vulnerable, discriminated and marginalised groups bear the corresponding environmental and social harms (Joan Martinez-Alier et al. 2016; Temper et al. 2018). Global forest governance, therefore, has long been criticised by conservation and human rights actors for enshrining injustices against forest-dependent communities (e.g., Bernstein et al. 2010; Gritten et al. 2019; Hrabanski et al. 2013; Suiseeya 2017).

Land-use conflicts and local resistance often arise from the struggles of structural injustices underpinning power and income. Black and Latino communities in the United States firstly used the term “environmental justice” as an action slogan to mobilise against unequal geographical arrangements of toxic facilities in their neighbourhoods during the 1980s. Since then, environmental justice (EJ) has become a theoretical frame for understanding concerns regarding the distribution of development-environmental costs and benefits among different social groups, classes, ethnicities, genders and ages (Schlosberg 2007). Contemporary framing of EJ comprises three fundamental dimensions, including the distribution of environmental benefits and harms (distributive justice), the ability to participate in decision-making (procedural justice) and the recognition of distinct identities and worldviews of those involved

(recognitional justice, also referred to as justice-as-recognition). EJ, as both a social movement and an activist science, therefore presents the potential to promote bottom-up forest governance and create forest management knowledge from local perspectives.

When I started this PhD research, I was driven by this core question: Why does environmental injustice persist in forest governance? Grassroots EJ movements have spread around the world for over 30 years (Joan Martinez-Alier et al. 2016), and yet peoples' struggles over land, livelihoods and justice have not been adequately integrated into global forest governance practices. Building on this question, my interests have been directed to exploring the actors involved in local forest governance arrangements, put simply: Who makes decisions over land use? How do they make those decisions? How do they navigate and position themselves in line with various interests and objectives over land use?

To integrate internationally-referenced justice objectives into national policies involves a variety of “intermediary actors” from the government, civil society, and the private sector (Cleaver 2015). These intermediary actors may represent diverse stakeholders and carry out formal and informal roles in interpreting and implementing national policies on forests and other natural resources in congruence with a particular social context (Cleaver 2012; Dawson et al. 2018; Pham et al. 2010; Schröter et al. 2018). In this thesis, I am primarily concerned with exploring the roles of local intermediary actors on “brokering justice” (Dawson 2018; Sikor et al. 2019; Stovel and Shaw 2012), i.e. their roles in the processes of national policy implementation and transformation towards more just forest governance between the sub-national and local levels. This research thus defines “intermediaries” as the individuals and organisations that work between forest stakeholders (including forest-dependent people and companies involved in natural resources extraction) to identify, negotiate, and represent EJ concerns in local forest governance practices.

To explore the perspective of local intermediaries in forest governance practices, I consider the Environmental Impact Assessment (EIA) as a useful institutional platform for my study. As the world's most widespread environmental policy tool, EIAs have increasingly integrated global sustainability agendas for addressing interdisciplinary challenges in local environmental governance (Borgert et al. 2018; Morrison-Saunders and Retief 2012; Rozema et al. 2012). UN Environment (2018) also identifies EIAs as crucial national policy platforms for achieving the 2030 Agenda for Sustainable Development. EIAs' role in bridging local concerns of forest governance and global sustainable agendas is particularly vital in many natural-resource-rich countries where EIAs are the only publicly-acknowledged policy tools for public participation (Lawrence 2013; Morgan 2012).

EIA is in essence the process of identifying environmental, social and economic gains and losses from current or proposed actions prior to influence decision-making, such as project license granting or policy enactment (International Association of Impact Assessment 2012). The policy and practice settings of EIAs are relevant to the three-dimensional EJ concerns of forest governance. First, EIAs link to distributive justice because their objectives are fundamentally concerned with the implications of proposed actions on specific populations and their environment (Aledo-Tur and Domínguez-Gómez 2017; Connelly and Richardson 2005; Walker 2010). Procedural justice concerns the "effectiveness" of EIA policies and practices, including to what extent the formal procedure of EIAs addresses specific sustainable and justice goals (procedural outcomes) and how the practice of EIAs achieves those goals (substantive outcomes) (Cashmore et al. 2010; Cashmore and Axelsson 2013; Hasan, Nahiduzzaman, and Aldosary 2018; Li 2009). Engaging cultural minorities' voices, although still very little explored in EIA literature, may also promote recognitional justice in decision-making procedures (Hanna et al. 2014; Heiner et al. 2019).

While studies have explored the potential of incorporating EJ goals in EIAs through participatory mechanisms, the term “environmental justice” is rarely used explicitly. The emphasis of the existing literature of EIA has been on the justice issues faced by local communities (Cashmore and Axelsson 2013; Morgan 2012). Few have examined the institutional barriers created by intermediaries (Khan et al. 2018; King 1998), nor their potential to influence the incorporation of justice in the negotiations of development projects in the EIA processes, or project outcomes (Kågström and Richardson 2015).

In this thesis, I use a case study of EIA in Indonesia, specifically its public participation provisions, to guide an investigation and analysis of intermediaries’ roles in influencing justice-oriented practices of local forest governance. In the following section (1.2) I introduce the conceptual approach of this research and the knowledge gaps I am addressing. Section 1.3 details the statements of my research aims and questions, and Section 1.4 provides an outline of this thesis’ structure.

1.2 The framing of environmental justice: From the search for universal laws to an empirical approach

My interests in this thesis lie at the interface of policy debates and local practices of EIA related to the ideas of EJ. These concerns of environmental governance intersect several disciplines, including critical institutionalism, development studies, environmental politics, political ecology, environmental economics and system-based, rationalist management. I therefore drew upon literature and perspectives from different disciplines to address my research questions. Overall, I hold a critical social science perspective and take that social and political conditions to construct our understandings of conservation and development values and approaches of the day (Li 2014; Juan Martinez-Alier 2002; Ulloa 2017). The theoretical debates of EJ, which are rooted in local conflicts and resistance, thus contribute to the

progression of knowledge by identifying contemporary concerns and arising discourse of sustainable and ethical environmental governance.

This section introduces literature on issues of justice in global environmental governance, from which my interpretations of EJ are built. I am interested in the opportunities for, and barriers to, integrating justice through local intermediary actors in the national policy platform of Indonesian EIA. My attention thus focuses on the literature addressing justice concerns from stakeholders' perspectives on various policies across multiple governance levels. I begin with an overview of the conception of justice developed in political literature. I then introduce how these justice theories are discernible in EJ movements, and how both the political theories and justice movements have moved onwards the construction of a multidimensional approach to empirically assessing EJ. Finally, I discuss literature concerning EJ in global forest governance and the knowledge gaps I am addressing in this research.

Development of a political literature of justice

Political philosophers had tended to develop universal principles on the basis of certain (usually Eurocentric) social values and sought to apply them in making sense of realities. Among all, John Rawls (1971)'s liberalism theory of "justice as just distribution" had defined the emphasis of political literature in the last few decades. Rawls creates a hypothetical scenario, the well-known "veil of ignorance", in which people consider the distribution of outcomes without knowing how these outcomes affect them and the others involved. This thought experiment suggests that people would choose an outcome by which every person is equally affected. Rawlsian justice theorists therefore consider and explore justice as the mechanisms that lead to equal distributional outcomes of social goods in a society.

Recent justice theorists have challenged the Rawlsian's sole focus on "just distribution" however. Influential authors such as Iris Young, Nancy Fraser, Sen Amartya, and Axel Honneth moved beyond the concern of distributional *outcome* and advanced justice theory by addressing the *processes* that result in unjust distribution. Young (1990) criticised Rawlsian distributive justice for paying attention only to the imagined scheme of ideal and fair distribution while disconnecting from the reality of political injustice, in which a "veil of ignorance" is argued not to exist. The Rawlsian emphasis of universal justice principles also assumed social goods as static without considering the relations and dynamics in any specific social and political context. As such, Young calls for an empirical approach in investigating political domination and oppression underlying the causes of distributive injustice. Sen (2010) also concentrates on exploring the justice of different social realities, which include the way people live, interact, and the freedom they enjoy, or lack. While Sen acknowledges the influences of institutions on people's behaviour and interactions, Sen calls for attention to the lives and freedoms that people are actually able to lead, which would more realistically respond to the struggles for justice in any specific context.

Fraser (2000; 1997; 1995) has most forcefully extended Young's arguments, and both have put attention on examining political causes of unjust distribution. Institutional, social and cultural structures, they argue, explain why some social groups have more privileges in accessing social goods than others. A recognition of structures, practices, rules, norms, languages and other social symbols that construct and mediate social relations is therefore essential for any investigation and resolution of injustice (Young 1990, 22). Fraser also develops her arguments on connecting maldistribution and misrecognition in institutional, political practices. Fraser (2007) argues that misrecognition is constructed in institutional subordination, meaning the interests and values of culturally privileged groups define peoples' institutional experiences in society. In contrast, culturally suppressed identities and communities are often not recognised, misrecognised and disrespected by

other social members. Such subordination is deeply tied to economic inequality and, as with Young, Fraser (2009) argues that this inequality must be examined in a particular cultural and social context rather than ideal procedures. Moreover, Fraser forwards a theory of participation in the political realm, as I return to shortly, which she argues is the necessary institutional mechanism to address both distributive and recognitional injustice.

Honneth (2004; 1996) and Taylor (1994) take a social psychological approach in developing their theories of recognitional justice. Both authors argue that “recognition by others” is important for determining self-worth. A lack of recognition and misrecognition by others can lead to the oppression of individuals and bring degradation and devaluation to their well-being, including at a cultural level. Fraser (2009) challenges the social psychological approach, asserting that misrecognition, especially negative consequences of misrecognition, should be considered at an institutional level rather than as an individual, psychological experience. Nevertheless, the social psychological theory of recognition pushes forward our understanding of the importance of recognition as a “vital human need” (Taylor 1994, 26), and how various forms of disrespect internalise individuals’ inferiority and can result in their own oppression of pursuing opportunities in society.

Another dimension of justice, commonly referred to as procedural justice, has focused on exploring just institutional processes. Miller (1999) and some liberal justice theorists argue that recognition is a necessary precondition to, and assumed in, procedural justice theory, such that it should not be considered as a distinct experience of justice. Nevertheless, this argument does not address the core of recognitional justice, namely that any forms of injustice, including procedural injustice, must be examined in social reality rather than through theoretical assumption. It also fails to reflect on calls for an integrated consideration of experiences of injustice. Partly in responding to these critics, Fraser (2007; 2005) proposed a “trivalent” framing of justice that explores unjust empirical experiences.

In this trivalent framing, a lack of recognition or misrecognition can lead to the exclusion of socially vulnerable groups from institutional participation, which acts as the essential pathway for deciding how social goods are distributed in a society. Simultaneously, how society distributes social goods can hamper the equal recognition of, and respect for, those socially vulnerable groups and their ability to participate. Therefore, as for distributive justice, procedural justice is not merely about improving participatory mechanisms but is also about examining the barriers to real participation.

The Environmental Justice Movement and the rise of the empirical approach of justice

Informed by the political literature of justice, another approach to understanding justice emerged in the 1980s when Black and Latino communities in the United States began to use “environmental justice” as a slogan in their resistance to toxic industries and pollution in their neighbourhoods (Bullard 1994; 1993). Contrasted with prior environmental activism in the 1960s which emphasised the damage of uncontrolled activities on biodiversity and “nature” (Guha 1989; Yearley 1996); early EJ movement prioritised the social impacts of environmental degradation and pollution faced particularly by the poor and culturally marginalised communities (Juan Martinez-Alier 1997). Schlosberg (2004) draws on the understanding of justice developed by Iris Young, Nancy Fraser and Sen Amartya (among others) to analyse the EJ movements. Since then, EJ literature has become a conceptual framework for investigating justice concerns associated with development and conservation conflicts.

Distributive justice within the environmental governance sphere highlights the distribution of environmental goods and bads, such as access to clean water or exposure to air pollution, between different social groups. EJ activists and local stakeholders affected by the environmental outcomes have long argued that the neighbourhoods of socially marginalised communities are often chosen for environmentally damaging activities and that they bear

disproportionate environmental burdens (e.g., Bullard 1993; Kingham et al. 2007; Pan et al. 2010; Schlosberg and Carruthers 2010).

Procedural justice in EJ discourse focuses primarily on institutional decision making over environmental matters, but can extend to political influences of various international and transnational actors, such as the United Nations, on shaping the principles of institutional decision-making. Due to limited access to power and political decision-making platforms, cultural minorities often struggle to resist environmentally destructive and undesirable activities in their communities (Hall, Hirsch, and Li 2011; Holifield 2012; Ohenjo et al. 2006; Whyte 2011). They may also lack information or capabilities to assess the environmental harms of the development facilities and activities proposed to them, leading to poorly informed decision making (Bernauer and Gampfer 2013; Brosius, Tsing, and Zerner 1998; Pellow 2005; Udofia, Noble, and Poelzer 2017).

Recognitional justice, as the third dimension of EJ, considers diverse identities, culture and knowledge system. It seeks to enhance social and cultural difference and remove any cultural subordination or suppression in environmental governance (Martin et al. 2016). Early EJ movements in the United States emphasised injustices based on ethnicity and mobilised against environmental racism (Bullard 1999; Cole and Foster 2001; Pulido 2000). Empirical studies have also widely explored discrimination against other social groups, for example, according to gender and religion (Cornwall 2003; Irianto and Truong 2014; Scott 1987). In resistance against deforestation, recognition struggles of indigenous peoples' land rights and knowledge system have been the main focus (Colfer 1997; Daigle 2016; Li 2000; Suiseeya 2014b; Ulloa 2017).

A significant characteristic of the EJ movement is its plurality. EJ activists tend to articulate plural justice issues rather than any single one, contrary to the universalism asserted by political theorists. People involved in resistance also often draw on different justice

concerns to support their standpoints on different issues and in different contexts (Guha 2014; 1989; Guha and Martinez-Alier 1997; Juan Martinez-Alier 2002; 1997). The pluralism of EJ also extends to its “subjects of justice” (Fraser 2008; Sikor et al. 2014), i.e. the subjects that should be considered for just treatment. Political literature on justice has roots in liberal individualism and usually highlights justice/injustice as individuals’ experiences. EJ movements, however, shine a light on the plural subjects of justice. Various kinds of subject, including individuals and social groups, can be the “communities of justice” (Dobson 1999). Place-bound communities, such as indigenous communities, may call for recognition of their identities and histories at a cultural level—demands for such collective right of self-determination and community functioning clearly move beyond the concerns of individual human rights. Many cases in early EJ resistance against environmental racism have also asserted damage done to communities as a whole, and not just to individuals.

Building on these scholarly efforts, EJ theory departed from the universalism characterising the political philosophy approach and demonstrated the pluralistic nature of justice in environmental struggles (Schlosberg 2007; Sen 2010; Sikor 2013b; Walker 2012). The principle of EJ is to examine ideas of justice through empirical claims asserted by a specific population in a particular social context, which can be used to make sense of those peoples’ actions. People rarely hold identical and equal positions in society. Their demands for justice are a response to the power relationships in a specific political and economic context. Any consideration of EJ, therefore, needs to pay attention to the discrepancy in political and economic factors including power, income and cultural subordination. Subsequently, EJ studies investigate the influences of these factors on peoples’ demands for justice, and their ability to articulate different ideas of justice.

EJ conflicts seem unavoidable in forest governance due to the competitive control over forest resources by various actors. Policymaking and implementation in forest governance ultimately concern EJ: the distribution of environmental and social benefits and responsibilities, inclusive participation in decisions making and the recognition of diverse identities and interests (Schroeder et al. 2008; Sikor and Newell 2014). For example, conflicts around forest resource control often link to violation of customary land rights, pollution and the distribution of development gains and environmental loss. Various actors continuously seek to assert and secure their contested interests through intervening and shaping policies and practices over forest resource management at multiple scales. Those actors, however, often possess different political and economic positions in the forest governance arena (Maryudi et al. 2020). Within this dynamic of constant power struggles, less powerful actors, usually forest-dependent, local communities, most likely suffer injustices (Agrawal, Nepstad, and Chhatre 2011; Barbieri and Carr 2005; Burgess et al. 2012; Ma et al. 2013).

EJ studies have increasingly responded to the concerns of contested land-use in forest governance (Brechtin et al. 2002; Peluso 1992; Sikor and Câm 2016). Environmental injustices can harm the communities involved but also lead to scepticism on the ethics of forest governance. Studies support that local communities' perceptions of injustices can increase management costs (Barnes 2015) and undermine intervention efforts to stem deforestation and forest degradation (Cetas and Yasué 2017; Gross 2007; Halpern et al. 2013; Klein et al. 2015; Oldekop et al. 2016). The three-dimensional, pluralistic EJ framework can thus help to understand justice concerns by local actors involved in everyday forest governance and provide a framework for improvements going forward (Martin 2013; Joan Martinez-Alier et al. 2016; Ribot 2009; Schroeder et al. 2008).

At the international level, EJ issues have started to gain attention in conservation science and practise, especially where conservation is also intended to provide social benefits (Ban et al. 2013; Mace 2014; Stephanson and Mascia 2014; Whitehead et al. 2014; Zafra-Calvo et al. 2017). International organisations have also increasingly declared social goals and approaches in securing local people's rights in their conservation policies. Examples include the "equitably managed" element of the Aichi Target 11, the Environmental Rights Initiative by the United Nations Environment Programme and the Conservation Initiative on Human Rights by the World Wildlife Fund. In the 2010 Nagoya Protocol, the Convention on Biological Diversity (2015) also declares their objectives of ensuring "prior informed consent, and fair and equitable benefit-sharing, keeping in mind community laws and procedures as well as customary use and exchange." The implementation of justice goals in international institutions, however, often assumes a universally-applicable concept of justice, or prioritises one justice dimension over the others (Suiseeya 2014a).

This thesis draws insights from other bodies of literature to address the theoretical gaps in the environmental justice literature. Chapter 4 examines issues of recognitional justice linked to migrants' identities, communities, and the geographical dimensions of the lives. Compared to distributive and procedural justice, recognitional justice concerns have received the least attention in forest governance practices (Daigle 2016; Martin et al. 2016; Whyte 2011). Also, both scholarly and policy attention to recognitional justice emphasise one subject of justice, namely indigenous people, and their justice struggles over others (Schlosberg and Carruthers 2010; Walker 2009). Migrants are another group, who, despite being closely affected by forest policies and practices (e.g., Kelly 2011; Afsar 2003; Barbieri and Carr 2005), are not sufficiently recognised in relation to issues of justice in forest governance. Studies on recognitional justice demonstrate that injustice is often embroiled in no recognition or misrecognition of people's identity and community shaped through the place they live and the relationships between humans, non-humans, spirits, and "mother-

nature” (Grosfoguel 2007). As claims of injustice are often linked to specific places, it is useful to explore the relationships between different communities and the places they live to support more responsive multidimensional EJ discourse in forest governance. Chapter 4 seeks references from studies on the geography of justice (Walker 2009) and the institutional approach to community (Agrawal and Gibson 1999) and investigates the linkages between the geography of recognition and pluralistic EJ concerns in land tenure conflicts in relation to the decision-making processes of EIA.

I turn now to Chapter 5, in which I provide empirical insights into the role of local intermediaries in enabling or constraining the pursuit of pluralistic EJ at the sub-national level. While claims for EJ are often place-based, illustrating particular local struggles as presented in Chapter 4, the vocabularies of justice have also become discernible in international and national sustainability objectives (Martin 2013; Peet, Robbins, and Watts 2010; Sikor and Newell 2014). Negotiations at various locations and in different social contexts from global to local scales constitute specific prioritisations of EJ concerns. EJ theory has emphasised the roles of social structures, norms and practices in constructing institutional domination and subordination of the values of any social groups. How powerful actors consider and operationalise justice concerns can therefore influence the implementation of forest policy and thus poses risks of perpetuating injustice (Fisher 2013; Sikor 2013).

A wide range of intermediary actors operate in different places and policy platforms at different governance levels. These intermediaries may articulate dynamic and multiple ideas of justice depending on a particular social context. They may also represent diverse stakeholders and carry out formal and informal roles in interpreting and implement national policies on forests, land, and other natural resources (Cleaver 2015). Numerous studies have explored the challenges of just participation faced by local communities (Chhetri et al. 2013; Glucker et al. 2013) however, fewer scholars have studied the issues of EI in relation to the

intermediary actors involved. Literature on participation has increasingly recognised the importance of examining the roles of various managers and practitioners involved in everyday forest governance and their influences on shaping and intervening policymaking and implementation (Bierschenk and Olivier de Sardan 2014; Blundo 2014; Cleaver 2015). Although some recent studies have emerged to explore the roles of local forest policy actors as “justice brokers” or “norms entrepreneurs” (Blundo 2015; Bratman 2014; Cleaver 2012; Dawson 2018; de Sardan 2015); the implications of intermediaries’ involvement in forest governance have not widely connected to EJ scholarship. Chapter 5 uses a critical institutionalism lens to explore the complexity of institutions entwined in everyday social life and the power relationships underlying EIA intermediaries’ (i.e. technical experts’) interactions that shape land-use management arrangements and outcomes (Acharya 2004). While the institutional approach is used in both Chapter 4 and 5, Chapter 5 pays attention to the barriers to and opportunities for mobilising EJ values (such as the concerns of recognitional justice by the rural migrants) through the involvement of technical experts in the EIA processes at the subnational level.

Learning from the perspectives of justice by local communities at the local level (Chapter 4) and the perspectives of justice by EIA intermediaries at the sub-national level (Chapter 5), Chapter 6 focuses on a particular type of intermediary, namely non-governmental organisations (NGOs). NGOs are involved in the Indonesian EIA processes at both the local and sub-national level. Those organisations are often assumed to interact more closely with local communities at certain places, therefore they are legitimised as the representatives of those communities in negotiations of any environmental and social concerns linked to development projects. The involvement of NGOs however has increasingly led to concerns over the production of environmental injustice in forest governance practices. Issues include legitimacy (Bernauer and Gampfer 2013; Bond et al. 2018), transparency (Dwyer 2015; Excell and O’Donnell 2013) and accountability (Gupta et al. 2012; Li 2009; Ribot 2002). Many

studies have commented that securing procedural justice is crucial for the effectiveness in environmental governance interventions (de Koning et al. 2016; Larson and Ribot 2007; Paavola 2004; Ribot 2012; Sikor et al. 2010). The consideration of procedural justice in EIA however has tended to investigate participatory mechanisms from a technical aspect, and the analyses are often isolated from the considerations of power relationships in the decision-making processes. Besides, studies of procedural justice in EIA usually focus on a single governance level that could not fully illustrate the brokering nature of NGO intermediaries, serving multiple objectives across project sites, negotiation platforms and between governance levels. This chapter therefore looks at the interactions between NGOs and local communities, and between NGOs and other EIA intermediaries. It uses a pluralistic framing of EJ to investigate the scholarly concerns of effectiveness and public participation through representation by NGOs in EIA. By connecting different bodies of literature with the EJ literature, this thesis seeks implications of EJ in addressing land-use conflicts in the EIA decision-making processes in Indonesia.

1.3 *Research aims and questions*

This thesis investigates the roles, interests, and perspectives of local villagers and intermediary actors on integrating diverse EJ concerns in the decision-making process of EIA. I employ a case study of Indonesian forest-related EIA. The process of public participation in Indonesian EIA comprises three stages: public consultation (involvement of the communities affected), technical evaluation (involvement of EIA intermediaries), and impact management evaluation (involvement of the communities and intermediaries). This three-stage process drives the investigation of this research.

This thesis addresses three questions:

1. What are the perceptions of culturally marginalised groups with regards to recognitional justice and the public consultations of EIA?
2. What are the intermediaries' perspectives and prioritisations of environmental justice and relevant norm mobilisation in the technical evaluation of EIA?
3. How does the involvement of intermediaries influence the incorporation of environmental justice goals in the impact management evaluation of EIA?

1.4 Thesis structure

The structure of this thesis follows the research questions stated in Section 1.3, as well as the chronological sequence of public participation in Indonesian EIA. Chapter 2 lays out contextual information on Indonesian EIA. I describe the critical issues of forest governance in the national context of Indonesia, followed by an introduction of the policy framework of Indonesian EIA and case study context of East Kalimantan province.

The research design and methods are detailed in Chapter 3. It begins with the introduction and justification of my research approach, then moves on to the research methodology. I present a diagram of my methodological flow, then the qualitative methods used in this research, including content analysis, semi-structured interviews and focus groups. Chapter 3 ends with the ethical consideration of this research.

The research findings of the three research questions are presented in the empirical Chapters 4, 5 and 6. Chapter 4 explores the perception of culturally marginalised groups on EJ issues in public consultations of EIA (Research Question 1). This chapter draws on village-level data collected through semi-structured interviews and focus groups to present the perspectives of transmigrants on land-use conflicts related to their experiences of participating in EIA. In this chapter, I first outline the literature on recognitional justice, particularly the

ideas of identity, community and space. The findings reveal that transmigrants prioritise recognitional justice over distributive and procedural justice, and demonstrate how a lack of recognition of their identity and community are intertwined with their experiences of distributive and procedural injustice in land-use governance. Chapter 4, therefore, informs a primary concern of recognitional justice in relation to land use conflicts while highlighting the importance of considering experiences of justice in an integrated way.

Chapter 5 moves onto the technical evaluation involved in EIAs and investigates the intermediaries' perspectives and prioritisations of EJ issues (Research Question 2). This chapter uses semi-structured interviews and focus groups from the sub-national level, generated with the EIA intermediaries involved in the technical evaluation of development projects. Conceptually, this chapter links EJ theory with critical institutionalism, particularly for making sense of the barriers to effective mobilisation of recognitional justice norms between various governance level. The findings reveal that intermediaries prioritise distributive and procedural justice over recognitional concerns. It also uncovers crucial social and cultural factors that facilitate or constrain the negotiation and mobilisation of those EJ norms in EIA projects.

Chapter 6 builds on the understanding of EJ concerns held by the internal migrants and EIA intermediaries at the village and sub-national level respectively, and reveals further factors affecting EJ in the impact management evaluation of EIA through NGO intermediaries (Research Question 3). This chapter looks at the NGO intermediaries involved in this final stage of EIA decision-making and has an emphasis on procedural justice, in order to link those concerns presented in Chapter 4 and 5 into institutional decision-making settings. Chapter 6 uses the framework of EJ to explore the "effectiveness" of intermediaries' participation in EIA, thus addressing a gap in EIA literature. It draws on policy, sub-national and village level data to identify the historical, political and institutional barriers to achieving procedural justice,

and thus EJ, in the Indonesian EIA decision-making processes. The conclusion suggests that improved accountability mechanisms are necessary to address the weaknesses of the current Indonesian EIA system regarding intermediaries' involvement.

Chapter 7 reviews the research aims, discusses the theoretical, policy and methodological implications of the research findings, and concludes by suggesting future research directions. It presents the research highlights which contribute to knowledge in local forest governance practices and environmental justice. The research findings reflect on the barriers to achieving just forest governance in the eyes of EIA intermediaries and the transmigrant community affected by the EIA practices. I then summarise the everyday realities of public participation and decisions making of land use, and suggests why participatory mechanisms of EIA are not achieving the goal of just and sustainable environmental management.

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2 Issues of Just Forest Governance and EIA in Indonesia

2.1 *National context: Forest governance in Indonesia*

The primary reason for focusing on the Indonesian context is that Indonesia has one of the most biologically important rainforests covering, and also one of the highest deforestation rates around the world (Food and Agriculture Organization of the United Nations 2015). Strong economic incentives and domestic development priorities have intertwined with deforestation in Indonesia. Among others, agricultural expansion, illegal and unsustainable logging, infrastructure development and mining have led to the highest proportion of forest conversion in Indonesia (Ruth et al. 2010; Wijaya et al. 2015). Between 1990 and 2017, for example, the land cover area of plantation monoculture had increased massively from 4.5 million hectares to 15.3 million hectares (Food and Agriculture Organization of the United Nations 2020). Concurrently, illegal and unsustainable logging has caused severe forest degradation in Indonesia, which is often the first step along a path to deforestation (Gatto, Wollni, and Qaim 2015; United States Agency for International Development 2012; Pirard 2016). See Figure 2-1 for major land cover in Indonesia's converted forestland between 1990 and 2012.

Indonesia is one of the world's largest producers and exporters of timber, palm oil and rubber (Food and Agriculture Organization of the United Nations 2015). In 2018, agricultural, forestry and fishing activities accounted for 12.8% of the country's Gross Domestic Product (GDP) (World Bank 2018), while agriculture alone contributed over 30% of employment in Indonesia (World Bank 2019a). Dependence on these incomes has significantly affected Indonesia's land-use policies as international aid, investors and Indonesian governments have supported agricultural expansion through subsidies and concessions licensing (Bull et al. 2006; Gaveau et al. 2016; Rainforest Action Network 2013; Rival and Levang 2014).

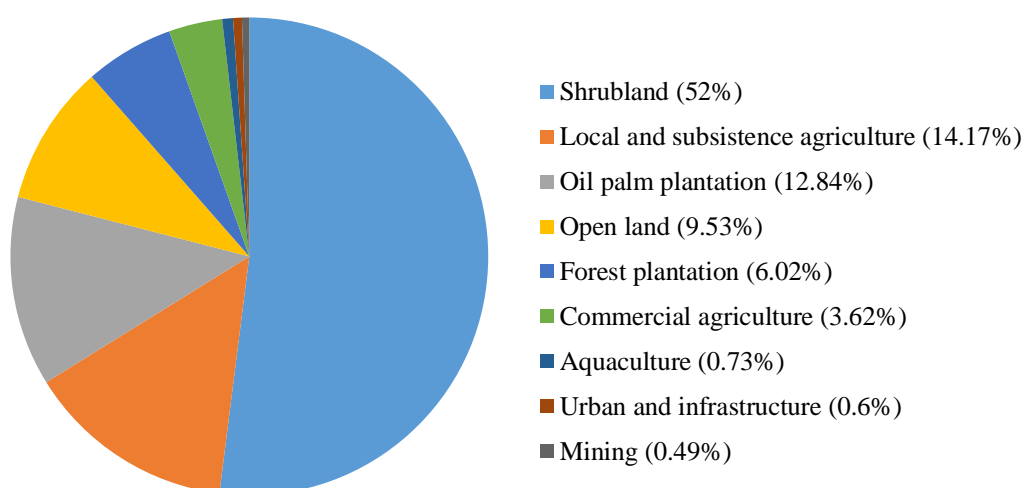


Figure 2-1 Primary land cover in Indonesia's converted forestland between 1990 and 2012

Source: Wijaya et al. 2015

Note: "Shrubland" generally means vegetation without trees in the context of land cover change in tropics, which can include unknown, abandoned, idle, or undetectable small activities.

Not only have land concessions (areas allocated by the government for industrial-scale plantation, logging or mining use) led to massive deforestation and forest degradation but also often violate customary land rights in Indonesia (Li 2000; Myers et al. 2017; Myers and Ardiansyah 2014). Forty-four percent of the country's population still live in rural areas (World Bank 2019b), of which a guestimate of 80 million people are dependent on natural resources in forests for their livelihood (Chao 2012). The scale of forest conversion and competitive land-use demands, in turn, make conflicts inevitable especially when those local communities are not fully involved in decision-making processes (Forest Peoples Programme, Sawit Watch, and Transformasi untuk Keadilan Indonesia 2013; Larry et al. 2017; Persch-Orth and Mwangi 2016; Pirard 2016).

Numerous studies showed that natural resources exploitation has largely compromised the welfare of forest-dependent people for the benefit of state development. These people are

often already struggling regards their livelihoods, have limited access to institutional resources, and therefore likely more vulnerable to the impact of forest conversion than the other populations in Indonesia (Abood et al. 2015; Boissiere et al. 2013; Kesaulija et al. 2014; Kim et al. 2017; Li 2015; Purnamasari 2010). However, development actors argue that large-scale monoculture, which potentially requires intensive labour and road construction, may contribute to eliminating rural poverty (International Labour Organization and Schmidt 2010; Ministry of Environment and Forestry of Indonesia 2016; Roundtable on Palm Oil 2015; World Bank 2011). These debates on development and conservation are closely linked to the ideas of EJ, including the distribution of development gains and environmental loss, public participation in land-use decisions making and the recognition of land rights and interests of cultural marginalised ones. Addressing EJ issues in land-use decision making processes in Indonesia thus is useful for understanding the implications of EJ on integrated forest governance and social issues at the national and local levels.

Deforestation-related conflicts also underpin the political dynamics of decentralisation, which makes Indonesia suitable for understanding the procedural challenges of local forest governance. As a policy trend for many post-authoritarian countries, a decentralisation² process regarding the management and administration of natural resources has been taking place throughout Asia, Africa and Latin America since the 1980s (Larson 2005). Proponents of decentralised governance have argued that such autonomy is instrumental in achieving sustainable and ethical use of forest resources. Partly it is assumed that local actors would have a better understanding of local social and physical conditions influencing forest management, and also have a greater capacity to implement and monitor forest activities due to their proximity (Edmunds and Wollenberg 2013; Fisher 2000).

² This thesis understands “decentralisation” as “any act in which a central government formally cedes powers to actors and institutions at lower levels in a political administrative and territorial hierarchy” (Ribot 2002, 1). Such actors refer to local-level government bodies (a regional, provincial or municipal level), the private sector, NGOs, and community-level organisations (Larson and Soto 2008).

Moreover, a decentralised system allows greater public participation in decision-making processes and is thus expected to address the ethical concerns of forest governance (McCarthy 2007; Patunru and Rahman 2014; B. P. Resosudarmo et al. 2014).

The implementation of decentralised policies, however, is complex. In Indonesia, decentralisation was followed by the fall of President Suharto's highly centralised New Order regime in 1998 (Barr et al. 2006). Since then, the national government has handed considerable autonomy to multilevel local governments³ and allowed them to retain a more significant share of fiscal revenues generated within their administrative areas. Most importantly, the central government has transferred significant authority over land use to multiple local levels (Ardiansyah, Marthen, and Amalia 2015; Colfer 2008). Many provinces and districts began issuing local regulations and asserting their administrative authority over decisions regarding land-use activities soon after the introduction of 1999's regional autonomy laws. In regions with abundant forest resources, such as Sumatra and Kalimantan, provincial and district governments often exercised their newly-gained authority by issuing considerable numbers of logging and forest conversion permits (Gatto, Wollni, and Qaim 2015). This has led to ongoing tensions between various levels of government partly due to confusion over the distribution of authority and administrative responsibilities, while other disputes have related to the multilevel governments' pursuit of greater control over the resources (McCarthy 2007; Prabowo et al. 2017). It is also often the case that these regional actors show more interest in maximising short-term revenues from forests rather than in sustainably managing them, particularly if their access to these resources is not guaranteed over the long term (Firman 2010; Moeliono and Limberg 2012).

³ The multilevel local governments refer to as "Autonomous Regions" (*Daerah Otonom*) in Indonesian Law No. 22/1999 concerning regional governance, including provinces (*provinsi*), districts (*kabupaten*) and municipalities (*kota*).

Ambiguities around the decentralised policies have created opportunities for powerful actors to interpret laws in ways that they find most favourable to their interests (Barr et al. 2006; Duncan 2007; Hill and Vidyattama 2014; McCarthy 2004; I. A. P. Resosudarmo 2004). These procedural challenges are coupled with issues such as weak capacity of local governments, practitioners and communities, formulaic public participation, and corruption (Carrasco et al. 2016; Tolo 2014; Wever et al. 2012; Wollenberg, Moeliono, and Limberg 2012; Yasmi, Guernier, and Colfer 2009), which have, in turn, preserved land-use conflicts in the decentralised system. These phenomena of decentralised forest governance in Indonesia thus demonstrate some critical perspectives for many newly democratised countries, which are struggling to improve local forest management in the already-contested regulatory system, and for the practitioners who attempt to accommodate various interests between levels and across actors in a decentralised system.

2.2 Policy context: Environmental Impact Assessment (AMDAL) in Indonesia

Indonesia enacted the legislation of environmental licensing and environmental impact assessment (*Analisis Mengenai Dampak Lingkungan*, AMDAL) in 1982, in response to growing international and national concerns of environmental damage due to economic development (Barr et al. 2006). Following the country's decentralisation, AMDAL has incorporated participatory mechanisms in project decision-making through the financial aid of World Bank, Asian Development Bank and other international donors (Asian Development Bank 2012; Qipra 2005; World Bank, 2004).

An understanding of the policy and practice of AMDAL is useful for identifying EJ concerns in Indonesia's forest governance primarily because it is arguably the only nationally legislated procedure that allows public participation within multi-scalar, complex licensing

processes of land-use projects. Figure 2-2 uses a plantation project as an example (due to its relevancy to deforestation) to illustrate the position of AMDAL in the licensing framework in Indonesia. Practically, the granting of an environmental permit (*Izin Lingkungan*) through AMDAL (Stage 6 as shown in Figure 2-2) is a prerequisite for the operation of large-scale projects and therefore a vital, if not only, environmental safeguard mechanism in Indonesia. When companies propose their activities, for example a plantation concession, provincial or district officials refer to relevant governmental regulations and spatial plan to make the initial recommendation of location (*Arahan Lokasi*, Stage 4). It is not required to consider any social or conservation values, not to consult with inhabitants whose land might be included. The location permit (*Izin Lokasi*, Stage 5) provides a provisional right for companies to negotiate with inhabitants. Companies need to receive the consent of the inhabitants to proceed with the licensing procedures. However, the inhabitants' consent will only be verified as part of the licensing documents by the land-use authority, namely the AMDAL commission, during the AMDAL process (Stage 6). AMDAL is also the only formal platform which the inhabitants can communicate their opinions in person to the land-use authority. This in-person contact between inhabitants and land use authority is especially important for understanding the situations in the field because land clearance is often found to occur before final approval of leasehold (*Hak Guna Usaha*, Stage 14).

The impact analysis of AMDAL also requires particular attention to the communities and vulnerable groups potentially affected by any proposed land-use project, and calls for respect for local knowledge of land-use practices. These conditions enable the investigation of plural ideas of EJ, which covers the distribution of impacts (distributive justice), public involvement in decision-making (procedural justice), and the inclusion of socially marginalised groups (recognitional justice).

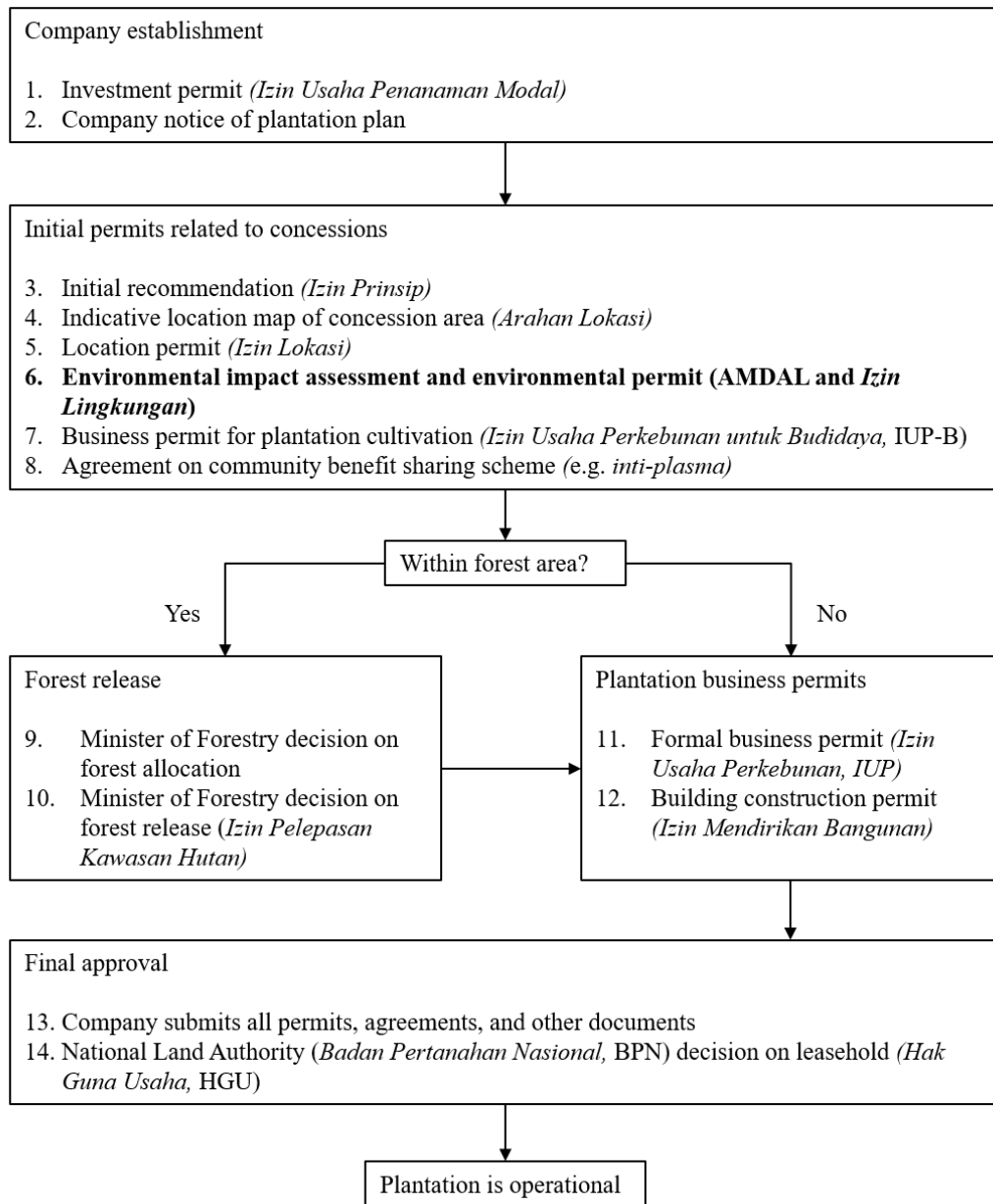


Figure 2-2 Formal approval procedure of land-use activities in Indonesia, using a plantation business as an example.

Source: Author's work referred to Sanders et al. (2019) and the Indonesian Center for Investment Information Data (2019)

An impact screening procedure (Stage 6, Figure 2-2) is mandatory to all land-use activities; however, projects at different scales comply with various standards for granting environmental approval. The Environmental Protection and Management Law No. 32/2009⁴ navigates land-use projects to three types of environmental approval standards, which are:

1. AMDAL: Environmental Impact Assessment (*Analisis Mengenai Dampak Lingkungan*) for projects with severe impact;
2. UKL-UPL: Environmental Management and Monitoring Measure (*Upaya Pengelolaan Lingkungan Hidup dan Upaya Pemantauan Lingkungan Hidup*) for projects with less significant impact;
3. SPPL: Statement of Management and Environmental Monitoring Ability (*Surat Pernyataan Pengelolaan Lingkungan*) for all other projects that do not require an AMDAL or UKL-UPL.

Within an impact screening procedure (Stage 6, Figure 2-2), any land-use project of which the boundary overlaps a protected area, or where its potential ecological or social impacts may affect nearby protected areas, need to obtain an environmental permit through the AMDAL process (see the second phase of land-use project screening in Figure 2-3). This thesis focuses on the appraisal procedure of AMDAL but excludes the discussion around UKL-UPL and SPPL due to the relevancy of deforestation and forest degradation.

The AMDAL process identifies potential benefits and risks of a proposed project considering: biology, geophysics, socioeconomic, culture, spatial planning and public health; according to Article 29 (4a) Government Regulation No. 27/2012. In general, the analysis of socioeconomic impact focuses on local livelihoods and employment; cultural impacts analysis highlights whether the location of a proposed project overlaps any tangible cultural heritage.

⁴ This law was updated in 2019 (P.38/MENLHK/SETJEN/KUM.1/7/2019) after the data collection and analysis of this study.

Public health concerns include occupational health and safety to the workers of the proposed project, and sanitation, pollution and other health and safety issues to the neighbourhoods nearby. Risk identification aims to make management plan to prevent, minimise, mitigate or compensate for negative impacts identified. The appraisal procedure of AMDAL complies with both Minister of Environment regulations and other related regulations depending on a project's administrative area, activity location, and industry type (e.g., agriculture, mining, and public works). Among all, the following regulations detail the implementation principles of AMDAL and therefore guide the policy analysis of this thesis (I further discuss the sampling of policy analysis on Section 3.3.1):

1. Law No. 32/2009 on Environmental Protection and Management;
2. Government Regulation No. 27/2012 on Environmental Permit;
3. Minister of Environment Regulation No. 05/2012 on Type of Activities Requiring AMDAL;
4. Minister of Environment Regulation No. 16/2012 on Guidelines for Preparation of Environmental Documents;
5. Minister of Environment Regulation No. 17/2012 on Guidelines for Public Participation in Environmental Assessment Process and Environmental Permit;
6. Minister of Environment Regulation No. 08/2013 on Procedure of Assessment and Examination of Environmental Documents and Environmental Permit Issued Process;

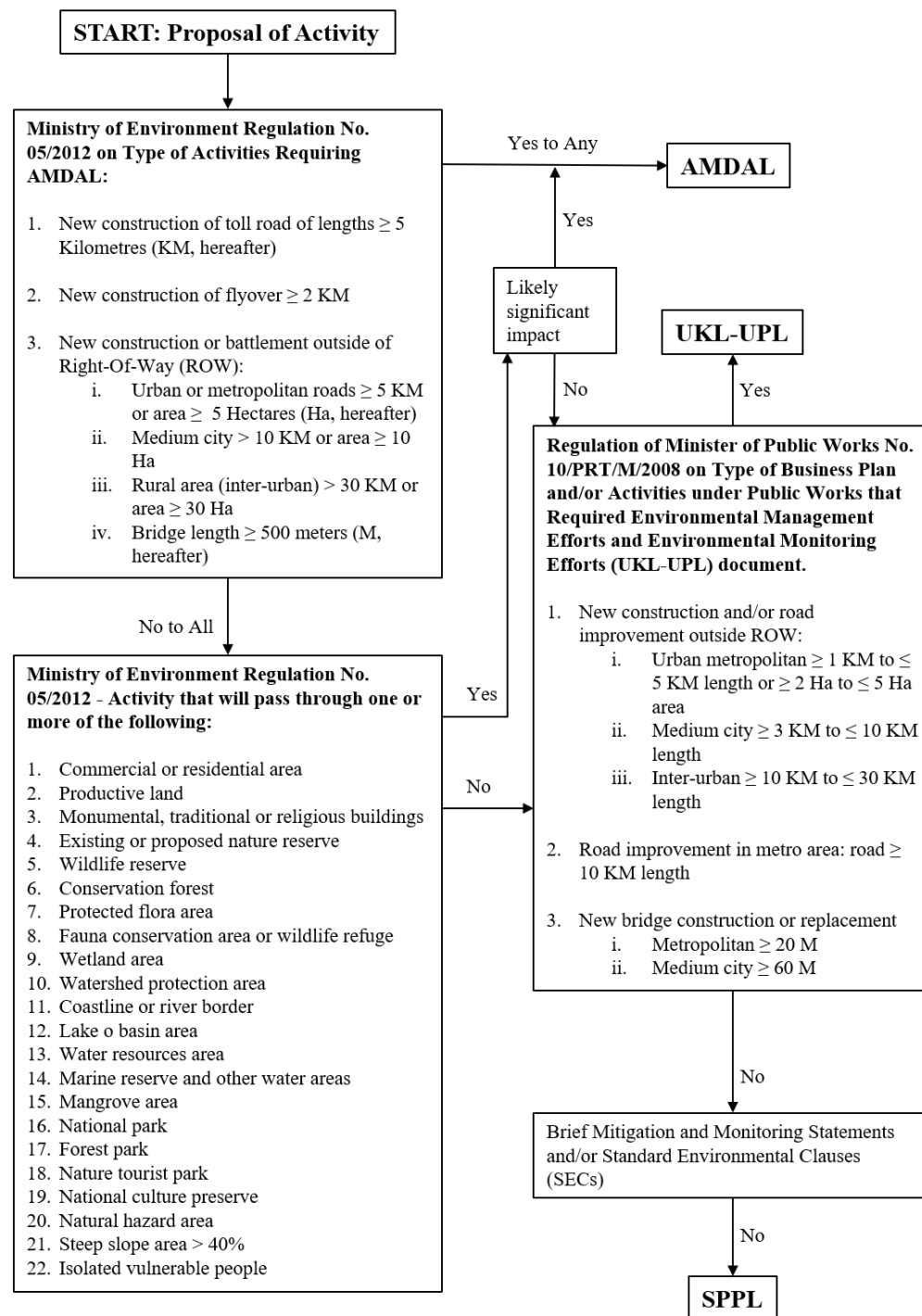


Figure 2-3 The flowchart of the screening of land-use project in Indonesia.

Source: Author's work based on the Ministry of Public Works and Housing of Indonesia (2017)

The AMDAL appraisal commission (hereafter referred to as the AMDAL commission), including a technical team and impact management team, is responsible for determining the scope and outcome of an impact analysis and management plan. Based on Article 30 of Law No. 32/2009, the AMDAL commissioners include the representatives from:

1. Environmental agency;
2. Related technical agencies;
3. Expert in the field of knowledge related to kinds of the assessed business and/or activity;
4. Expert in the field of related to impacts, which arise from the assessed business and/or activity;
5. Communities that are potentially affected; and
6. Environmental organisations.

Other important actors of the AMDAL commission are environmental consultants who represent the project proponents (i.e. companies) in conducting impact analysis and managing license applications. This thesis understands and defines all these representatives as the “AMDAL intermediaries”.

The AMDAL process consists of five stages, which are public consultation, impact analysis, technical evaluation, impact management evaluation and administration (see Figure 2-4). A project proponent initiates an AMDAL appraisal procedure by applying for notice of the business proposal and public consultation to the responsible environmental agency. Environmental consultants then coordinate administrative requirements and facilitate public consultations between the company and local communities. Public consultations primarily involve the community representatives and landowners, but other residents in the affected area are eligible to participate. Feedback from the local communities is then required to be addressed in the Terms of Reference (TOR), or locally referred to as KA-ANDAL (*Kerangka*

Acuan – Analisis Dampak Lingkungan), detailing the analysis approaches and the methodology of a Project Impact Analysis (AMDAL)⁵. The KA-AMDAL is written by the environmental consultants for the developer and evaluated by the technical members of the AMDAL commission. It is followed by the implementation of the approved scope of analysis by the environmental consultant. Both the technical and impact management team review the draft report of the analysis results. The final report, however, is only reviewed by the officers in the AMDAL Division of the environmental agency, without going through the AMDAL commission. The AMDAL process finishes with the Head of the AMDAL Division submitting the decision regarding project feasibility to the responsible license authority. Figure 2-4 details the involvement of the AMDAL intermediaries in each stage; the structure of this research reflects on the participatory processes in AMDAL, particularly public consultation, the evaluation of KA-AMDAL and the evaluation of AMDAL and RKL-RPL.

Identifying the population affected has been one of the significant challenges for public participation in AMDAL. Article 26 of Law No. 32/2009 defines “local community” of AMDAL as 1) the would-be affected people 2) environmentalists and/or 3) the people who will be affected by any decision in the process of AMDAL. Formal guideline of defining an “affected” population is unavailable, and therefore the project proponents or their appointed consultants can define and engage “affected communities” based on self-designed standards. There are two common approaches to determine the targets for public consultation: 1) the use of field survey to understand the proximity between the neighbourhood and the project location; 2) reliance on secondary information (e.g., maps and previous analysis conducted in the area). Obtaining such information, however, requires extra effort from the project proponents, especially for projects located in remote areas. In many cases, project proponents also perceived an increase in uncertainty if more targets are identified for public consultations

⁵ AMDAL is the analysis result of a certain project, while AMDAL refers to the environmental regulatory system of the environmental impact assessment in Indonesia.

(Qipra 2005). Voluntary and inconsistent standards thus allow interpretation by project proponents for maximising their advantages.

Critiques have also pointed out the procedural nature of AMDAL which serves as a mere formality instead of a meaningful participation platform to land-use decision-making (Hasan, Nahiduzzaman, and Aldosary 2018; McCarthy and Zen 2010; Purnama 2003). Studies, investigative reports and news revealed that public consultations during AMDAL often involve only businesses and political ruling elites, such as village heads, religious chiefs and landowners. These actors, however, are usually assumed to represent the voices of various stakeholders (Leitmann and Dore 2005). Also, local stakeholders often have limited access to project information or a low capacity to fully engage in the decision-making. For example, local stakeholders do not often understand the purpose of AMDAL (Qipra 2005) and the implications of attending public consultation (Gore and Fischer 2014). Issues of corruption also persist as barriers to just AMDAL practice and forest governance in general in Indonesia (Muslihudin et al. 2018).

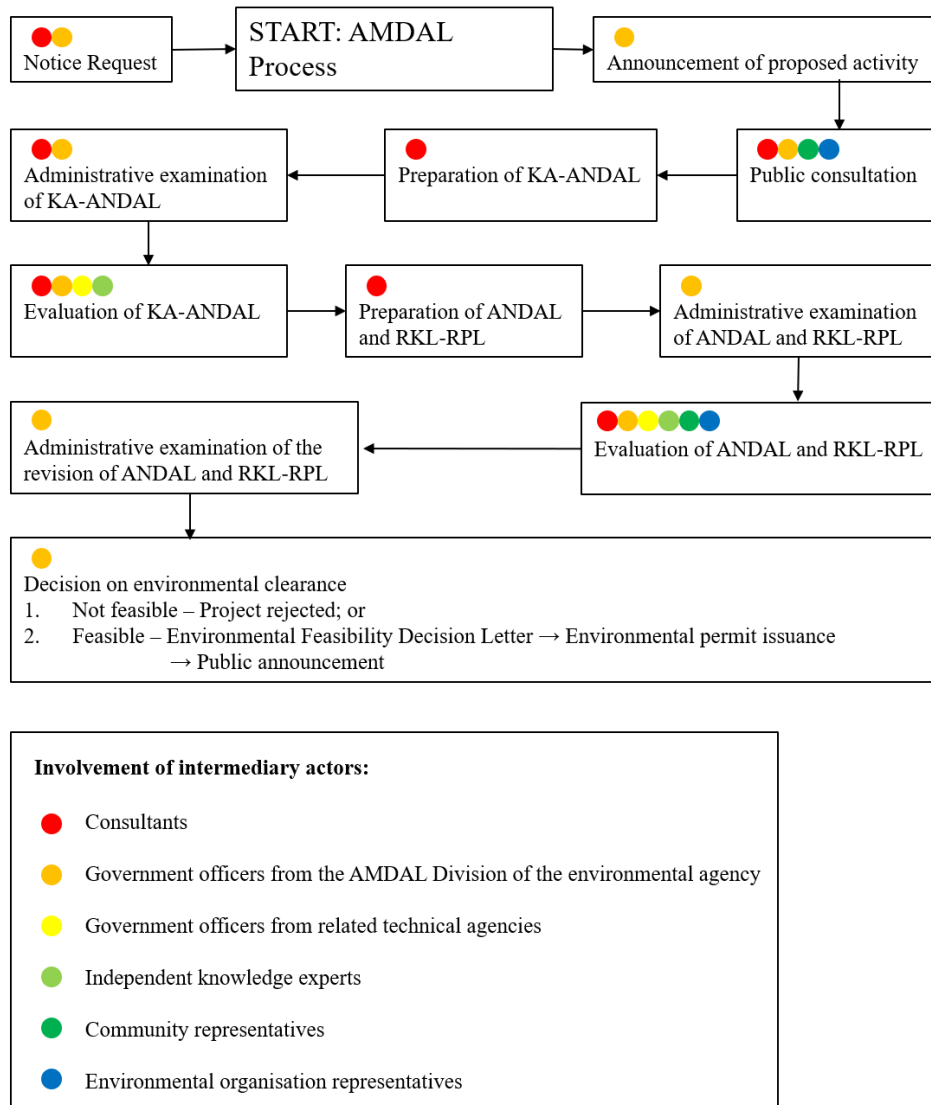


Figure 2-4 The involvement of intermediary actors in the AMDAL process.

Note:

ANDAL – Environmental Impact Assessment Analysis/Report

KA-ANDAL – Terms of Reference for ANDAL study

RKL-RPL – Environmental Management and Monitoring Plan

Source: Author's work referred to the Ministry of Public Works and Housing of Indonesia (2017)

Literature has paid much attention to addressing EJ concerns in AMDAL with a focus of local stakeholders affected. While the AMDAL intermediaries are critically engaged in the appraisal process, their roles and perspectives concerning those issues have received limited scholarly attention. It is unclear how they consider the distribution of benefits and harms on behalf of various stakeholders, how and why they make specific decisions, and their influences on changing forest governance practices. Very often there is a discrepancy between the predetermined responsibilities of the AMDAL commission and their available resources and capacity to act on these responsibilities. The Indonesian government has undertaken some approaches, such as environmental consultant certifications and technical review guidance, to improve the credibility of the AMDAL commission. The implications of such measures on facilitating local governance practices and EJ concerns, however, have scarcely been investigated, especially from the perspectives of the AMDAL intermediaries themselves.

At the policy level, it is unclear whether and how the AMDAL legislation incorporates ideas of EJ in considering the impacts of any proposed land-use projects. Nevertheless, the discussions of “fair” environmental governance commonly include the AMDAL policy. This poses the risk of neglecting the conceptual difference on EJ concerns among the AMDAL policy, intermediaries and local stakeholders affected, which makes it challenging to identify the expectation gap of justice between the legislation objectives and the expectation of various development and conservation actors (Dawson 2018; Okereke 2008; Walker 2010). Also, limited understanding of the enabling or constraining factors of the application of justice in AMDAL makes it difficult to assess the substantive outcomes, i.e. whether AMDAL has achieved a just project outcome as expected by various actors. This thesis thus seeks to understand how ideas of EJ are discernible in the legislation of AMDAL and the perspectives and prioritisation of the AMDAL intermediaries on EJ issues. Moreover, this research investigates how unequal power relationship within the local communities can affect the just decisions making in the AMDAL process.

2.3 Case study context: East Kalimantan Province

The research presented in this thesis involved six months of fieldwork, between February and August 2018, in East Kalimantan province, Indonesia. Case studies covered three sub-national AMDAL commissions and four villages that had been involved in the AMDAL processes. Due to a small number of commissioners in each commission, this thesis has excluded the details of districts and villages involved for anonymity purposes. This research will use “sub-national” to describe the AMDAL commissions consulted from now on. This is a deliberate categorisation to maintain the anonymity of the AMDAL intermediaries participating, which could indicate their involvement in either provincial level, district level or both levels. Section 3.5 discusses more details of confidentiality and research consent.

East Kalimantan is located in the Indonesian part of Borneo; the Borneo Island is the world’s third-largest island and holds some of the wealthiest biological communities on the planet. Until the 1970s, tropical rainforests covered 75% of Borneo, but this had reduced to 30% in 2010 (Gaveau et al. 2014). Much of Borneo’s forests have been logged between 1980 and 2000 (Curran et al. 2004), or cleared by fire (CIFOR 2014; Goldammer and Seibert 1990; Siegert et al. 2001), converted to plantations (Carlson et al. 2013) or other extraction industries. While other parts of Borneo have passed the peak of deforestation, East Kalimantan is predicted to be the next hotspot of forest clearance (Wijaya et al. 2015). In the Forest Governance Index by UN Development Programme⁶, East Kalimantan has one of the lowest scores in terms of its transparency, public participation and capacity building in the decision-making processes of forest governance (UN Development Programme 2015; 2013), which has raised concerns to whether the provincial government can cope with the growing challenges

⁶ The Forest Governance Index in Indonesia is a Participatory Governance Assessment (PGA) developed by the UN-REDD Programme on four issues, including certainty over forest areas, equity in forest resources management, transparency and integrity, and law enforcement capacity.

of forest governance.

Forests comprise 13.9 million hectares or 40% of the province area of East Kalimantan in 2016. However, not until 20 years ago, East Kalimantan still possessed 80% forest coverage (see Figure 2-5 for the land cover of East Kalimantan in 2016). Natural resource exploitation, mainly mining, agriculture, forestry and fishery, contributes primarily to the Gross Regional Domestic Product (GRDP) of East Kalimantan (see Figure 2-6 for the distribution of GRDP by industry in East Kalimantan between 2016 and 2018).

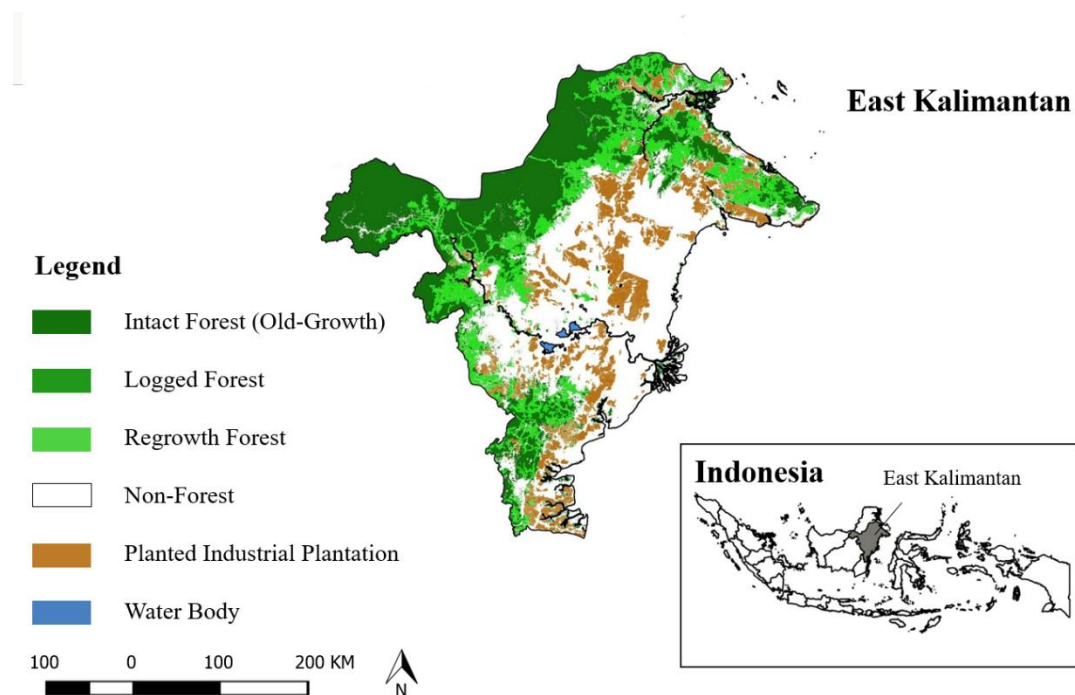


Figure 2-5 Land cover map of East Kalimantan province in 2016.

Source: Data from Gaveau et al. (2016)

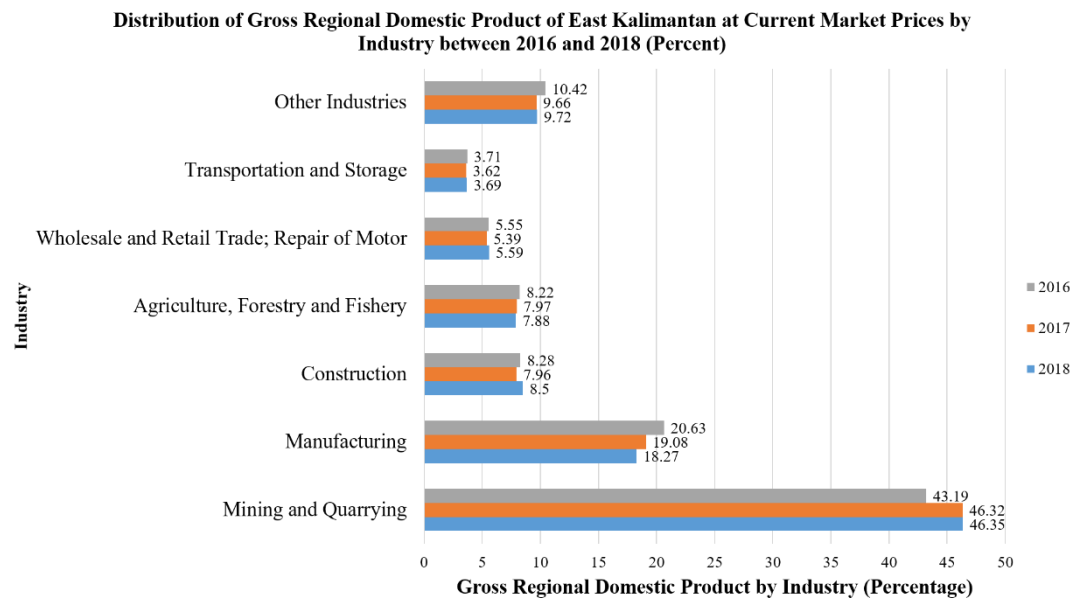


Figure 2-6 Distribution of Gross Regional Domestic Product of East Kalimantan at current market prices by industry between 2016 and 2018 (percentage).

Source: Statistic East Kalimantan (2019)

East Kalimantan has around 3.5 million residents, and 38% of them live in rural areas, with an average population density of 17 people per square kilometre recorded in the Provincial Intercensal Population Census (Statistics Indonesia 2016). Migration has profoundly shaped the province's demography. The 2010 Census recorded 44.7% of the population as lifetime migrants, while the top three major ethnic groups of the province, namely Javanese (29.54%), Bugis (18.26%) and Banjar (13.94%), were migrants (or their descendants) and usually originated from Java, Sulawesi and South Kalimantan respectively. These ethnic groups mainly live in transmigration⁷ sites and urban areas. The fourth-largest population is the indigenous Kutai (9.21%) who primarily reside in the areas where the

⁷ I discuss further the transmigration policy in Chapter 4.

historical territory of Kutai Kingdom was located, namely Kutai Barat, Kutai Kartanegara and Kutai Timur. The numbers of interprovincial migrants continue, with 9.2% of the population defined as recent migrants as recorded by the 2016 Provincial Intercensal Population Census.

I took the approach to firstly identifying suitable village sites using the following criteria aimed to include a broad spectrum of stakeholders in East Kalimantan context with significant land-use change representing main types of commercial activities, as shown in Figure 2-6:

1. Significant land-use or land-use management changes following decentralisation (the year 1999).
2. Development activities that associated with significant deforestation and degradation drivers, including mining, agriculture, forestry and fishery.
3. Involved in public consultations and the AMDAL commissions.
4. At least one site with indigenous Kutai settlement.
5. At least one site with transmigration settlement.

Using these criteria, I took three steps to choose suitable village sites. First, I identified land-use changes since the year 2000 at the district level and types of development activities using the interactive map by Global Forest Change (Hansen et al. 2013) and Global Forest Watch (2014). Second, I collected and reviewed the AMDAL reports available and land-use conflicts documented in local news and other online publications for identifying potential village sites. Finally, I confirmed the locations of those potential sites with local collaborators and personal contacts in the regions. The availability of local contacts to facilitate access also influenced the final selection of village sites, and I had prioritised the sites that fulfilled more criteria taking into account cost-efficiency.

This research involved four village sites, all within the same district in consideration of logistic cost. Land-use conflicts had occurred primarily in Village 1 (V1) and V3, but some development projects had involved V2 and V4 in the stages of public consultation, respectively. I therefore included those four villages for collecting more perspectives of public participation in AMDAL. Research participants in V1 and V3, however, contributed the majority of data analysed and presented in the empirical chapters.

Some conflicted projects in V2 overlapped to those proposed to V1. Both V1 and V2 had accepted those projects, but in contrast to the situation of V2, land-use conflicts did not take place in V1. Both V3 and V4 were involved in public consultations of some development projects; however, the outcomes of consultations were considerably different. Those projects had been undertaken in V3, either with or without consent, while V4 had successfully rejected all development projects proposed. Table 2-1 shows relevant information for those village sites with additional details on land-use conflicts in Chapter 4 and 6.

I chose and invited the AMDAL commissions that were responsible for the AMDAL review of the development projects in the four village sites. The AMDAL commissions involved the provincial commission and two district commissions. One of the district commissions involved was the responsible administrative authority of the village study sites. I included an additional district commission that had been involved in various development and conservation projects at international, national and local levels for collecting broader perspectives of the AMDAL practices. Some commissioners served in multiple commissions. The provincial commission provided perspectives on negotiating development projects overlapping more than one district. All commissions participated have been involved in reviewing large-scale deforestation projects, including coal mining, plantations and timber.

Table 2-1 Information of village study sites in 2018.

Village	No. household	Household characteristic	Large-scale development activities	Primary livelihood in the village
1	960	65% Kutai household, 35% transmigrant/migrant household	Timber (formerly) and palm oil	Subsistence fishing and farming
2	966	Above 95% Kutai household	Timber (formerly) and palm oil	Subsistence fishing and farming
3	1800	Above 95% Kutai household	Timber (formerly), palm oil and mining	Subsistence fishing and farming, rubber/oil palm/rice field smallholders
4	393	Above 95% Kutai household	Rejected: timber, palm oil and other agriculture plantation	Subsistence fishing and swiftlet farming.

2.4 Chapter conclusions

This chapter outlined the context of forest governance in Indonesia at the national, policy and case study level. At the national level, I introduced EJ issues concerning deforestation and land-use management system in Indonesia, which helped identify challenges faced by policy managers in the decentralised land-use decision-making system. The focus then turned to the context of the AMDAL policy, particularly the participatory mechanism of

land-use decision making in Indonesia. It demonstrated scholarly critiques of EJ issues around participation of the AMDAL commission, which contributed to refining my questions around EJ and intermediary actors of AMDAL. The final part of this chapter presented the case study context. I detailed the rationale of choosing East Kalimantan province as the case study and the criteria of field site selection. In the next chapter (3), I present the research design and methods applied in this thesis.

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3 Research Design and Methods

3.1 *Introduction to a multi-scale research approach*

This chapter lays out the research design and methods with additional detail provided in the relevant result chapters and the appendices. Considering EJ at the global agenda setting is necessary, but the real implications of justice lie in how those agenda are conceived and implemented at the national and local level (Martin 2013; Sikor et al. 2014; Suiseeya 2014). A multi-scale research design is therefore appropriate for this research as it enables contributions to national policy level debates in light of local EIA practice. At a policy level, I reviewed the works of EIA related to justice issues between different governance levels, programs and platforms to gain a sense of environmental governance and justice discourse through EIA tools. I then examined how those internationally referenced objectives, concepts and mechanisms were encompassed in the regulatory framework of national EIA policy in the Indonesian context. At the local level, I employed a case study research design to collect in-depth information from local EIA practitioners, i.e. the intermediaries in this thesis, and communities affected by the decisions making of national EIA policy.

I used qualitative methods, including content analysis, semi-structured interviews and focus groups. The analysis applied a coding frame developed through my knowledge of those literature and my empirical data, as detailed below. At the national level, I coded and analysed the content of the laws and regulations of EIA in line with key ideas of EJ. I then considered those findings with the empirical data I collected through semi-structured interviews and focus groups in my case studies at the sub-national and community level. Section 3.2 introduces the methodological process of this study. I then detail my methods from sampling through to data analysis in Section 3.3 to 3.4, and the ethical considerations in conducting field research in Section 3.5.

3.2 *The methodological process of the study*

The research takes three stages of data collection and analysis: 1) the desk-based exercise between October 2016 and January 2018; 2) primary data collection in Indonesia between February and August 2018; and 3) Data analysis between September 2018 and August 2019. See the methodological flow of this study in Figure 3-1. The deskwork, including a literature review and secondary data collection, contributed to establishing the conceptual framework and the research questions of the study, as detailed in Chapter 1. Those desk-based exercises also formed my understandings of the issues of forest governance and EIA in Indonesia and defined the geographical scope of this study, as described in Chapter 2.

The fieldwork of this study consisted of four parts: the pilot phase, the first phase of data collection, the approach review and the second phase of data collection. The experience in the pilot phase helped refine the strategy of data collection and the logistic arrangement to the field site. The data collection used semi-structured interviews and focus groups. In between two periods of data collection, I took a month away from the field site for reviewing the interview strategy. The research methods and the ethical considerations in conducting field research are detailed in this chapter. Policy analysis and case study analysis were conducted in the final stage of this research. During the process of data analysis, I soon found that additional data were required as the analysis revealed new angles. Therefore, there were several loops between the process of data analysis and follow-up data collection. The results of policy analysis are primarily presented in Chapter 6, while the findings of case study analysis are demonstrated in all empirical chapters (4 to 6).

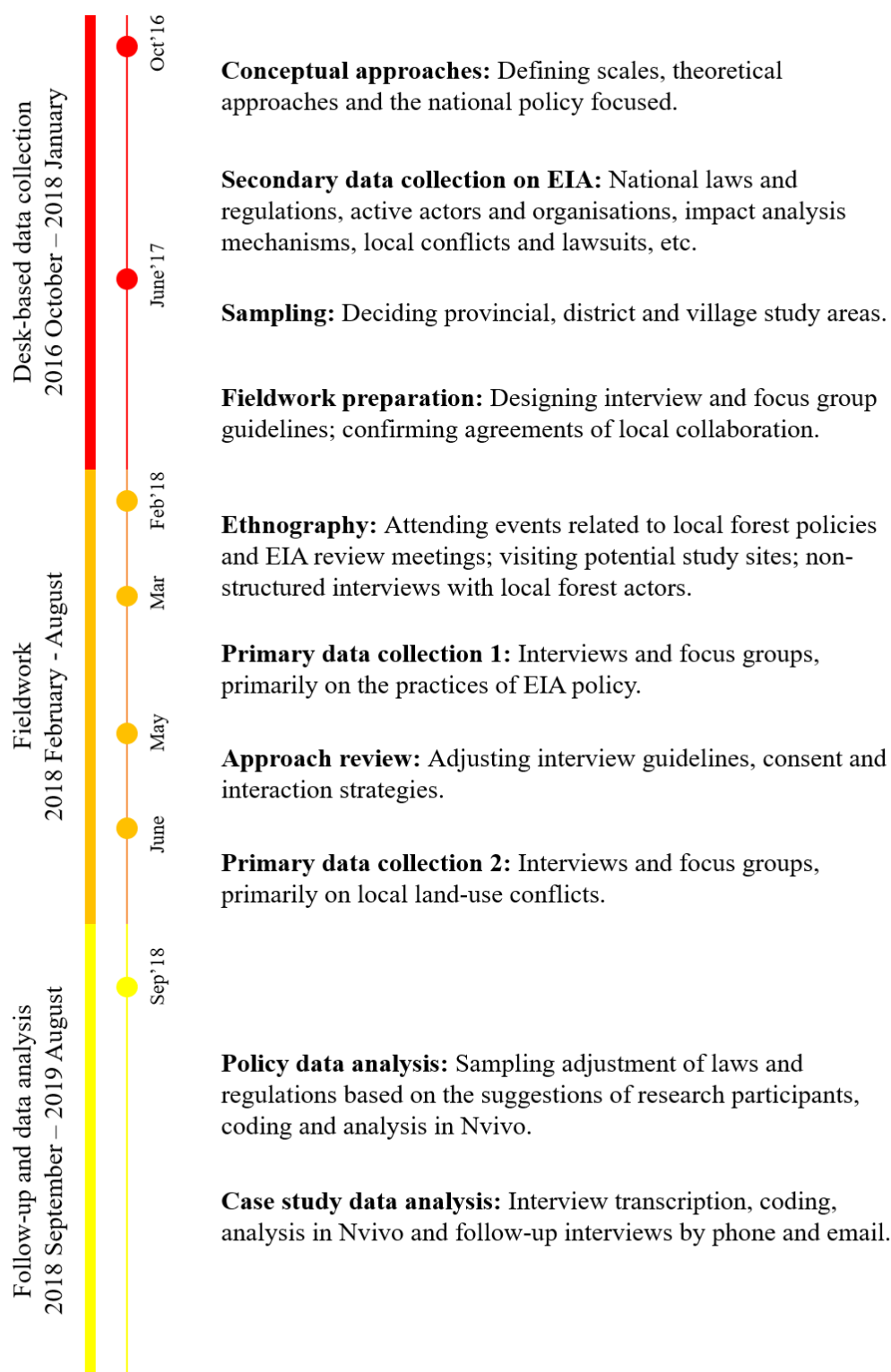


Figure 3-1 Phases of data collection and approaches.

3.3 *Research methods for the AMDAL policy analysis*

This research uses content analysis to interpret the laws and regulations of AMDAL and explore the ideas of EJ through AMDAL's objectives and procedures. Content analysis provides background information and historical insight of past events that help researchers understand the broader context underlying the phenomena currently under investigation (Fischer 1995). As Merriam (1988, 118) suggests, analysing documents is useful for the researcher to “uncover meaning, develop understanding, and discover insights relevant to the research problem.”

Policy documents, such as laws and regulations, have been widely used as a core source of data for case studies (Laver and Garry 2000). Policies can affect how people are classified into different categories in institutional settings (Wright and Shore 1997). Policy analysis thus is useful for identifying the general guiding principles of an institute and capturing complex causality between policy and case study (Hudson and Kühner 2013). Connecting key dimensions of policy and the localities of a case study helps understand which part of the policy works, at where and for whom. In turn, this should allow researchers to draw implications of the findings of a case study for reaching common policy outcomes, even the case study focuses in a small geographical scale and targets a specific group of people (Bacchi and Goodwin 2016; Roe 1994a; Yanow 2000).

Studies in the field of environmental governance have also broadly taken this method, such as those seeking to interpret and compare environmental policies for discursive use of human rights, conservation and justice (e.g., Jones et al. 2017; Noonan 2008; Nugroho 2013; Saito-Jensen 2015; Suiseeya and Caplow 2013). Conducting policy analysis provides essential data for answering my research questions in the sense that the regulatory materials of AMDAL underpin the principles and frame the possibilities for the practices and project decisions made by the AMDAL intermediaries. Yanow (2000) suggests that policy analysis benefits the

understandings of local actors' perspectives in two ways. First, by interpreting the actions of policy-relevant actors along with keywords or ideas in policy texts, we can identify groups of people who might share common understandings of policy ideas. Second, by comparing how policy texts are expressed, communicated and interpreted by different groups of people, we can identify the values, beliefs and feelings they hold in a policy situation. Codd (1988, 239) suggests, "Instead of searching for authorial intentions, perhaps the proper task of policy analysis is to examine the differing effects that documents have in the production of meaning by readers." How policy practitioners reflect on their role in governing policy practices, in turn, can shape social order. Policy analysis in this research therefore aims to contextualise ideas of EJ that are discernible in the Indonesian environmental regulatory framework that can influence local governance practices by the AMDAL intermediaries consulted.

3.3.1 Sampling strategy

Policymakers may seek to simplify or complexify their policy narratives to make sense of the uncertainty of the reality and allow wider application of standard approaches in local operations (Roe 1994b). Although it is often the case that the act of complexifying narratives increases uncertainty, it is still useful to understand how realities are imagined through policy narratives (Bacchi and Goodwin 2016). As the policy context of AMDAL described in Section 2.2, the ambiguity of policy narratives, particularly the identification of community involved, has been the major critique of the participatory mechanisms of AMDAL. In a decentralised system, such as of Indonesia, the central government often directs the designing of policy, while local governments are left to coordinate and mobilise resources available to make the policy work. The policy analysis of Indonesia regulatory system can be useful to identify the challenges of local governance practice after political transformation.

Interpreting policies should focus on the content that conveys policy meanings and effects in a specific situation, instead of maximising the number of laws interpreted (Ball 2012;

Yanow 2007). In this thesis, I am concerned with people's actions in decision-making processes of AMDAL in relation to ideas of EJ. I thus used a purposive sampling strategy to identify a range of laws and regulations that underpin the principles of guiding the public participation processes of AMDAL, notably the practices of public consultations and the AMDAL commission.

Laws and regulations were collated from literature, technical reports (most commonly the performance report submitted to international aids of AMDAL) and AMDAL project reports. A set of AMDAL project reports comprises five documents:

1. Environmental Information Statement (*Penyajian Informasi Lingkungan*, PIL)
2. Terms of References (*Kerangka Acuan*)
3. Environmental Impact Analysis Report (*Analisis Dampak Lingkungan*, ANDAL)
4. Environmental Management Plan (*Rencana Pengelolaan Lingkungan*, RKL)
5. Environmental Monitoring Plan (*Rencana Pemantauan Lingkungan*, RPL)

Before the fieldwork in East Kalimantan, I had reviewed the content of the preliminary, self-collated list (see Appendix 1) to gain a sense of the historical development of AMDAL, and also used the list as supporting data in designing the interview guide. The self-collated list, however, was shown to the AMDAL intermediaries interviewed and other local researchers on AMDAL during the fieldwork in order to confirm their relevancy to AMDAL. Figure 3-2 shows the four laws and regulations that were agreed as being the participatory framework of AMDAL.

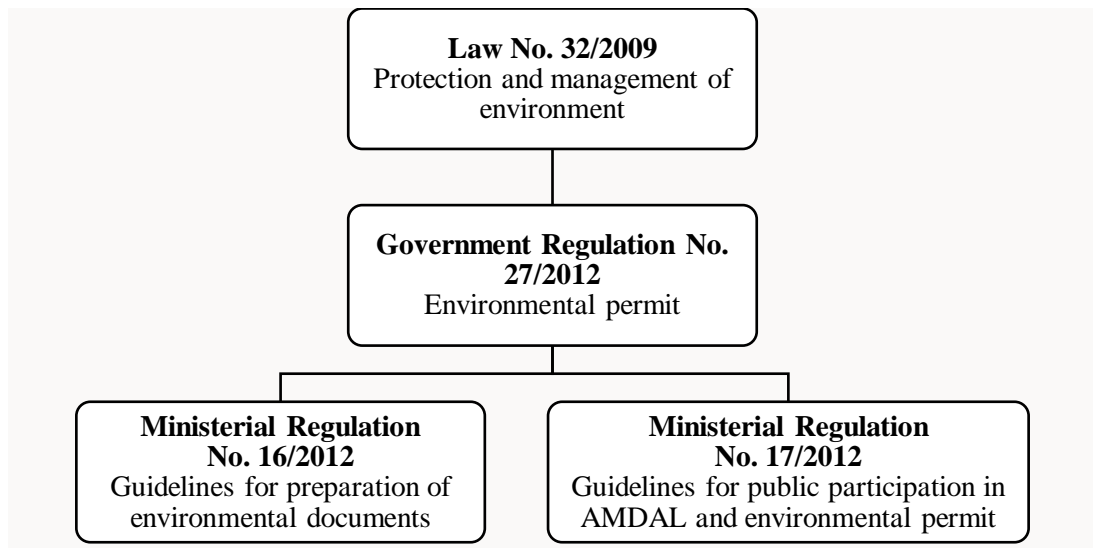


Figure 3-2 Regulatory framework of the participatory mechanisms of AMDAL for the use of policy analysis in this study.

3.3.2 Content analysis

All four regulations were accessed online through official websites. I reviewed and compared the Indonesian version and English transcription for consistency. The coding and analysis of this research used the English transcription. The content analysis of AMDAL regulations was supported through the use of NVivo 11 and used a thematic coding to interpret ideas of EJ in the AMDAL regulatory framework.

Thematic coding is a widely used strategy of qualitative data analysis to “patterning, classifying, and later reorganizing them into emergent categories for further analysis.” (Saldaña 2014, 7). To categorise data into meaning-appropriate clusters for this study, I referred to the equity indicator system developed by Zafra-Calvo et al. (2017) as shown in Table 3-1. Zafra-Calvo et al. reviewed environmental management literature and identified ten central “social equity” criteria according to the three-dimensional EJ framework. Although the emphasis of this indicator system is for the use of protected area management, they drew on various environmental policies, findings on land-use conflicts and effectiveness

literature, which are all relevant and applicable to just forest governance. The coding criteria of this study, shown in Table 3-2, were developed by the equity indicator system, and tailoring the criteria according to the particular context of AMDAL and the empirical findings of my research.

The coded data were used to analyse the commitments to each justice dimension, as stated in the AMDAL's objectives. A hierarchically-structured coding scheme is often used to ensure consistency and systematic coverage of policy spaces (Laver and Garry 2000). At the top level, I defined the three dimensions of justice as the domains of nodes; these are distributive justice, procedural justice and recognitional justice. Within each justice domain, the coding scheme was spanned hierarchically representing different topics concerned. The coding results are detailed in Appendix 2; specific details of the method and the results of policy analysis presented in Chapter 6.

*Table 3-1 Indicators proposed to assess and monitor social equity
by Zafra-Calvo et al. (2017).*

Criteria in each dimension	Indicator
Distribution	
Benefits	Households of local stakeholders groups receiving tangible benefits from management actions in a way that respects culturally accepted distributional principles
Burdens	Households of local stakeholders groups relieved of burdens through mitigation actions or comprehensively compensation of them
Procedure	
Effective participation in decision-making	Local stakeholders groups satisfied with how decisions are taken
Transparency	Local stakeholders groups accessing information about management and planning
Access to justice	Local stakeholders groups resolving satisfactory disputes due to protected area establishment or/and management by existing mechanisms
Accountability	Local stakeholders groups knowing to whom to raise concerns for solving issues related to management actions
Free, prior and informed consent	A Free, Prior and Informed Consent (FPIC) obtained
Recognition	
Cultural identity	Cultural identities of local stakeholders groups incorporated in the management of the protected area
Statutory and customary rights	Local stakeholders groups gain or retain their rights in the establishment or management of the protected area
Knowledge diversity	Traditional knowledge systems included in the management of the protected area

*Table 3-2 Coding criteria for policy analysis of the AMDAL regulatory framework
in the thesis.*

Parent code	Elements to be identified in the legislation
Distributive justice	Benefits (environmental/social/economic) Burdens (environmental/social/economic) Subjects of impact (individuals/communities/current & future generations/non-human organisms) Responsibility of impact management
Procedural Justice	Influencing decisions Transparency Democratic capacity Conflict resolution mechanism Accountability Social learning Citizen empowerment Knowledge exchange Information verification Legitimacy
Recognitional justice	Social and cultural diversity Alternative land management system Local capabilities

3.4 Research methods for analysing local practices of AMDAL

This section outlines the methodology of collecting data at the sub-national and village level. It follows the chronological order of the methodological process (as illustrated in Section 3.2) starting with the sampling strategy, the process of data collection in the field, and finally data processing and analysis.

3.4.1 Sampling strategy

The crucial part of qualitative sampling is to ensure the unit of investigation is appropriate for the types of issues investigated, and that they can provide grounds of reasoning needed for investigating the research problem (Diefenbach 2009). As Valentine (2005, 111) explains that, unlike with quantitative methods that aim for providing scalable references through replicating the data, “the aim of an interview [and a focus group, one may add] is *not* to be representative (a common but mistaken criticism of this technique) but to understand how individual people experience and make sense of their own lives.” The emphasis on the use of qualitative methods in this case study is to collect diverse and in-depth perspectives on EJ issues in local governance practices. The sample size needed to be large enough to accommodate diverse perspectives; at the same time, I recognised that it takes time to mutually develop trust to allow in-depth conversations with interviewees. My sampling strategy, therefore, sought to balance the sample size with the time required to collect in-depth data from the interviewee.

Both the sampling of the participants at the village level and the AMDAL intermediaries at the sub-national level were purposive for informing the institutional, decision-making experiences of AMDAL. At the village level, I did not sample based on the size of the village but sought to identify and interview as many people who had experienced conflicts as possible. The sampling used a snowballing approach where one interviewee connects me to another (Hopf

2004). Initially, the village head helped me circulate my request for research participants and the interviewees involved at the early stage were usually the officers in the village office and other associations. Those villagers and the host of my homestay would then connect me to other villagers. As time went on during my stay, more people became comfortable to approach me and initiate conversations. During the early stage of sampling and interviews, I soon realised that those individuals who had experienced land-use conflicts in the villages were mainly landowners, male, and community opinion leaders, such as village head, customary chief and other villages' seniors. I thus also sampled some interviewees who did not have any experience in public participation and land-use conflicts.

In total 85% of the individuals interviewed had been involved in public consultations, AMDAL commissions meetings or conflict events and actions related to a project decision from AMDAL, while 15% of the interviewees did not have any such experience. Village interviewees had an average age of 44 years old and 75% of them were male. I had purposefully invited women to participate in this research, although 92% of the female interviewees had not been involved in any public participation events. I considered that such non-participation of women could be the norm of the institutional decision-making of AMDAL, consistent to other development studies (e.g., Agarwal 2009; Colfer 2015; Cornwall and Rivas 2015) I thus reflected the gender issue of local governance practice in the empirical chapters. See Table 3-3 for the characteristics of village interviewees.

Table 3-3 Characteristics of village interviewees.

Village	No. Participant	Average Age	Min. age	Max. age
1	24 (19 M, 5 F)	44 (excl. three men and four women whose ages were unknown)	26	63
2	9 (8 M, 1 F)	44	38	48
3	29 (19 M, 10 F)	38 (excl. 2 men whose ages were unknown)	18	73
4	28 (22 M, 6 F)	42 (excl. one man whose age was unknown)	26	58
Total	98 (73 M, 25 F)	39 (excl. 11 men and four women whose ages were unknown)	18	73

At the sub-national level, I collected the names and contacts of the AMDAL commissioners from the responsible environmental agencies. There were 20 to 25 commissioners (documented as department, organisation or individual) involved in each AMDAL commission selected. I contacted all available governmental agencies, NGOs and independent experts. Still, I prioritised interviewees who were likely to represent the perspectives from diverse sectors, as well as meet the time-depth balance as mentioned above. Due to a considerable number of consultants being available, the consultant candidates were selected based on three criteria: 1) the person was handling at least one AMDAL project during the fieldwork period, 2) the person was based in East Kalimantan (in consideration of research budget and time constraint), and 3) at least three other technical experts recommended the person.

The research participants were all involved in the institutional practices of AMDAL to some extent. 73% of the sub-national respondents were directly involved in AMDAL commissions, 22% involved in the institutional processes of environmental license granting and impact monitoring, while 5% of the participants were the individuals who worked in the NGOs that monitored AMDAL practices. Characteristics of the sub-national interviewees were similar to those at the village level in the sense that it was dominated by senior male staff in their organisations. The sub-national interviewees have an average age of 46 years old and 96% of them are male. I identified only three female government officers during sampling, and all three participated in the interviews. There was no female academic registered in the technical teams visited, and no female consultants were recommended by three other technical experts. Table 3-4 shows the information of intermediaries consulted and Table 3-5 illustrates how many years they had involved in AMDAL. Additional details of the interviewees are on the results chapters and Appendix 3.

Table 3-4 Characteristics of the intermediaries interviewed.

Work role	No. Participant	Ave. age	Min. age	Max. age
Academic	6 (6 M, 0 F)	49	42	58
Consultant	3 (3 M, 0 F)	47	34	56
Consultant and academic	3 (3 M, 0 F)	56	45	63
Government officers	12 (11 M, 1 F)	42 (excl. 1 man whose age was unknown)	32	49
Senior government manager	14 (12 M, 2 F)	49	38	67
NGO	13 (11 M, 2 F)	42	28	58
Total participants	51 (46 M, 5 F)	46 (excl. 1 man whose age was unknown)	28	67

Table 3-5 Years of experience in AMDAL of the intermediaries consulted.

Work role	Years of experience in AMDAL							No. Participant
	<1 year	1 -5 years	6 - 10 years	11 - 15 years	16 - 20 years	>20 years	Unknown	
Academic	1	-	2	1	2	-	-	6
Consultant	-	-	1	-	2	-	-	3
Consultant and academic	-	-	-	-	-	2	1	3
Government officer (Environmental agencies)	1	5	3	2	1	-	-	12
Government officer (Other agencies)	2	7	3	1	1	-	-	14
NGO	1	5	4	2	1	-	-	13
Total participants	5	17	13	6	7	2	1	51

3.4.2 Qualitative data collection in the field

Local collaboration and research assistance

During the preparation of fieldwork (the first phase of data collection as described in Figure 3-1), I approached the Oil Palm Adaptive Landscape (OPAL) project seeking for field assistance. OPAL is research cooperation on land-use change and livelihood impact, led by Swiss Federal Institute of Technology in Zurich, and included several international institutions, organisations and universities in Cameroon, Colombia and Indonesia. Two partner agencies of OPAL in Indonesia assisted with my fieldwork; they were the Centre for Agriculture and Rural Development Studies at Bogor Agricultural University (PSP3-IBP) and

the Centre for International Forestry Research (CIFOR). The chief collaborator was PSP3-IBP, which provided sponsorship for my residential permissions in Indonesia and assisted me in field site selection, budgeting, logistic, initial networks and safety in the field sites. The lead investigator of OPAL at CIFOR offered technical advice on my research approaches and field site selection. PSP3-IBP had abundant experiences in hosting external researchers and followed specific administrative procedures for establishing collaboration. We had a simple written agreement in acknowledging OPAL, PSP3-IBP and CIFOR in any related publications and result presentations. I believe these collaborators had little influence on the data collected, nevertheless, because they did not participate in the decision of field sites and the processes of data collection. All data collected in my fieldwork are not shared with these collaborators.

Three research assistants (one man and two women) were hired in different periods of the fieldwork. The fieldwork covered seven field sites across six months and overlaid Ramadan, Islamic New Year and other cultural events which affected the commitment of the assistants. Except for the requirement of language and locally specific knowledge of the field sites, I recruited each of them based on the longest consecutive time they could commit to the fieldwork and their willingness to travel. A female assistant participated in the first stage of data collection across the three field sites in the cities (interviews with the AMDAL intermediaries) and the four village sites, lasting for two months. The other female assistant participated in the second stage of data collection across three sites in the cities for one month. The male assistant assisted both stages of fieldwork: the four village sites in the first stage (one month) and all seven sites in the second stage (two months).

Each assistant spoke other local languages in addition to English and Indonesian. All three assistants were newly graduated from local universities majoring in environmental studies. I recruited them through local NGOs in which they had been volunteering. I introduced my project, research approaches, assistance needed and discussed my expectation of safety,

courtesy and research consent in the first meetings. The local collaborator had informed me a conventional rate paid by foreign researchers before the assistant recruitment and the going rate was paid to the research assistants. Apart from the role of interpretation, they also helped in collecting interviewee data in conjunction with me, arranging appointments and logistics. One assistant also helped in transcribing some interviews of which consisted Javanese and Kutai language. Two research assistants expressed their interests in researching specific environmental issues, so we also discussed how my fieldwork could contribute to their personal development. They, in turn, contributed to chairing focus groups, taking notes and also joined me in the events hosted by my collaborators. We set up a regular meeting to discuss the fieldwork strategies: two to three times a week during the first few weeks and gradually reduced to once a week as we had familiarised with each other's work styles. In the first few weeks of teamwork, we spent more time discussing logistics, the flow of interviews, concerns of interview consent and culturally appropriate behaviour. In later meetings, the focus turned to the field observations and interview notes; we also sought to improve the research approaches together.

This research consisted of four village sites; during two periods of data collection, I had stayed in Village 2, 3 and 4 (see Table 2-1) and commuted to Village 1 from Village 2 when needed. I decided to commute between V1 and V2 because they were close to each other and staying at one village saved time and effort in facilitating logistics. V2 also had better access to electricity, water, phone signal and roads. I stayed with the same families on each visit, which lasted approximately two weeks each time. The homestay hosts were the keys that gained me entrance to the villages. They helped arrange the first few meetings, usually with the village heads and other opinion leaders who had involved in the AMDAL process. Those meetings were primarily for introducing me and the purpose of the stay to the villagers that lent legitimacy to my stay. All homestay hosts had some experiences accommodating researchers and were generally respected by other villagers. This might make the villagers feel

comfortable to approach me but I did not think the choice of the host had much impact on villagers' impressions of me. Ethical consideration of local assistance is discussed in Section 3.5.

Semi-structured interviews and focus groups

Semi-structured interviews and focus groups were the primary research instruments for collecting data in this research. Semi-structured interviews and focus groups are useful for gathering information by inviting people to talk on specific topics (Longhurst 2016). The structure of the semi-structured interview is also flexible and can be adjusted depending on the development of each conversation (Kelly, Bourgeault, and Dingwall 2010). The purpose of semi-structured interviews and focus groups in this study was to explore individuals' experiences in participating in any processes associated with AMDAL. They also enabled comparisons between the justice concerns and goals held by different actors and facilitated interpretation of the objectives of the national AMDAL policy.

During the preparation of fieldwork, I had developed an interview guide based on the AMDAL regulations and technical reports. Interview guides serve as a useful tool for exploring research questions more systematically and keeping the interview focused on the topics of interest (Mason 2004). An effective semi-structured interview guide should allow dialogue between researcher and interviewee(s), the flexibility to change the questions' order, and the ease of moving from question to question (Kallio et al. 2016). The questions should also be clearly worded, single-faceted and open-ended to encourage interviewees to speak freely and reflect personal feelings and stories in one's own ways (Barriball and While 1994; Rabionet 2009).

The interview guide of this study consisted of a set of open-ended questions that guiding the overarching theme and the flow of conversation, with other questions emerging

from the conversations. (see Appendix 4 for the interview guide of this research). The interview guide was improved through pilot testing, which is known to be an effective way to confirm the relevance and coverage of the formulated questions (Creswell and Poth 2016; Kallio et al. 2016). At the pilot phase, I participated in events on topics related to forest governance organised by or involving the local collaborators in Jakarta and Bogor, Indonesia. These included an academic seminar on the institutional challenges on sustainable palm oil certification, a national consultation workshop for REDD+ practitioners, and a knowledge-sharing workshop on gender equality between local NGOs. Attending those events allowed me to have initial interactions with some development and conservation actors, including NGOs, government officers and researchers involved in local environmental governance. I conducted six pilot interviews with some of them, which had helped me refine the question guide. I reworded some questions, but the structure of the interview guide did not change significantly. Data collected in the pilot interviews, however, were excluded from the analysis of this research because many land-use projects discussed were either not linked to deforestation or in East Kalimantan.

Having an interview guide reduced unnecessary confusion caused by the phrasing of questions, kept the focus of the conversation to the research, and made sure I always covered essential questions in the interview. The interview guide also helped me to become conversant with the ways of physical interaction and communications appropriate to the cultural context - which is key for collecting reliable qualitative data in different cultures (Nguyen 2015; Zhou and Nunes 2013). Using open-ended questions, I sought to encourage the interviewees to provide responses in their own words and organise their thoughts in the ways they find most meaningful, as the strategy suggested by others (Holloway and Galvin 2016; Longhurst 2016). The interviews usually started with general topics of their work and local environmental management relevant to deforestation. Then I would refine the order of questions to start with

ones they would be more interested first. The interviewees were generally engaged with the questions and often initiated additional topics related to the issues discussed.

Interviews lasted on average 2 hours, ranging from 30 minutes to 4 hours. Conversations started by introducing myself, my research assistant, and the research project in Indonesian. We then confirmed the language preferred by the interviewee and collected consent for participation and voice recording. Recording of the interviews captures data effectively because it allows the researcher to focus on the conversation and the verbal and nonverbal prompts (e.g., hand signs and facial expressions) (Creswell 2013). As Galletta (2013, 76) suggests, “Key to effective interviewing is the researcher’s attention to the participant’s narrative *as it is unfolding* [...] your role is to keep one eye on where you are and the other on where you’re headed.” Engaging actively in the conversation enables timely reactions in the interview, which helps researchers interpret data with informed judgements (Suh, Kagan, and Strumpf 2009; Yates and Nguyen 2012). Besides, recordings also enable the production of verbatim transcripts of interviews, which convert spoken words into text and capture their meaning as accurately as possible (Jamshed 2014).

Over 90% of the interviewees granted consent to record. I used a voice recorder with light (light on if recording) and put on a visible place throughout the interview. When the conversation involved sensitive topics, especially on corruption and military/police involvement, myself or my assistant would reconfirm the interviewee’s consent of voice recording. We also avoided calling their names in a recorded session and paused recording when they were speaking to someone else during the interview. I led most of the interviews while the research assistant helped noted down descriptive information, such as any organisations, regulations and important events mentioned. Right after the interview, I would note down interviewee’s concerns of consent and anonymity (if any), the key themes emerged, and anything that particularly interested or surprised me. I also checked the quality of the

recordings regularly. A few recordings were found inaudible due to disturbance but were sufficiently supplemented by notes and follow-up interviews. For those interviews I did not record, the research assistant would spend more time interacting with the interviewee (giving eye-contact, intermittent responses, etc.), allowing me to write detailed notes. I then discussed and wrote up these interviews with the research assistant immediately after the session.

Where to hold the meeting can also make a difference in the quality of data (Denzin 1970). Ideally, the interview setting should be informal, easily accessible and relatively neutral to the interests of both the researcher and the interviewee (Longhurst 2016). It is equally important to finding a place where the researcher feels comfortable as to the interviewee and not to compromise to meet people in places where the researcher feels vulnerable (Valentine 2005). It can be however practically challenging to find or insist the “perfect” venue that works for both the researcher and the interviewee due to various reasons such as time constraint, cultural norm and organisation protocol (Longhurst 2016; McDowell 2011). It was particularly difficult to hold interviews with the AMDAL intermediaries at a neutral place as most of them tended to conduct interviews during work hours when they were constrained from leaving the office. Those interviewees, however, were senior staff in their organisation and got access to different spaces within the office, and they were generally happy to arrange a room when I asked. The conversations with the AMDAL intermediaries were usually held in a closed space, such as meeting rooms and private office at their workplace at the first contact. In the meetings that followed those, I would suggest meeting in public spaces instead of the workplace and they tended to agree with the suggestion. The rapport built upon the first interview might have increased their willingness to meet in casual place, while the interviewees also seemed to find it easier to schedule a meeting in person (the first meeting was usually arranged through phone). In other occasions, we talked in restaurants, cafes or other public spaces. In the villages, interviews were usually conducted inside or outside the home, while some were in the village offices in the first meeting.

Differing from semi-structured interviews which emphasise the interaction between researcher and interviewee, a key feature of focus-group interviewing is to capture the interactions between the group participants (Morgan 1997). Focus groups also make it possible to collect opinions of a group of people for less time and expense (Cameron 2005), which is especially useful when researchers try to navigate themselves to a new field and gather exploratory information about a topic (Greenbaum 1998). Focus-group interviewing in this study followed the same set of questions as for semi-structured interviews; however, I avoided asking sensitive questions in a group, such as those about corruption and their relationship with colleagues or neighbours (in the villages). The focus groups lasted between one and two hours. The method was used with the respondents in the first meetings and mostly for practical purposes. In the villages, I used the focus groups to engage with more people and introduce myself to the villagers. The participants would pass on their experiences of me and the interview to fellow villagers. In these close-knit communities visited, this was an efficient way to enable wider acceptance. Also, the villagers might be more comfortable to talk in a group initially, as most of them had not participated in a research project (Cameron 2005; Greenbaum 1998; Morgan 1997). Focus groups with the AMDAL intermediaries often occurred when the pre-appointed interviews took place in their workplace, and the interviewee found it useful to invite their colleagues to join the dialogues. Some of the original interviewees and focus group participants, additionally, conducted a one-on-one interview at a later time. Appendix 5 shows the format the interviewees were engaged in through the process of data collection.

The use of focus groups also provided valuable details to enrich my understanding of local governance practices by enabling the observation of professional interaction between the participants. Examples included: junior staff (often also women) would become more cautious of their behaviour when senior staff joined in – several times the junior staff excused themselves from the centre seat for the senior staff; they also tended to agree with the senior staff in the discussion. Another example of local governance practice was a common argument

raised between the group participants when I asked them to help me understand the bureaucratic procedures of land-use licensing (related to the licensing procedures as shown in Figure 2-2). When it was in a one-on-one interview, the respondent might get around this question and give an ambiguous answer; in a focus group, the participants would argue and seek to make sense of the procedure together. Although they did not fully answer this question, those disagreements demonstrated how complex the bureaucratic procedures could be, even to those professionals.

Participant observation of the AMDAL practices and village life

Participant observation is a useful ethnographic tool for collecting qualitative data and allows researchers to describe events, actions and artefacts in specific social setting systematically (Luders 2004). Through observing and participating in the activities of the people involved, researchers may grasp ideas of how people communicate and interact with each other, how things are made sense of and prioritised, and the social relations within the community studied (Aktinson and Hammersley 1998). Understanding the behaviours and taboos which matter to the community studied helps researchers tailor questions that are culturally relevant or make sense to the research participant (Bernard 2017). Effective communication with the participants, in turn, can improve the credibility of one's interpretations of the issues studied (Kawulich 2005). The process of observation also facilitates the establishment of rapport with research participants that may enable involvement in activities to which researchers would not be engaged otherwise, thereby identify new questions to be addressed (Musante and DeWalt 2010).

Being informed by the advantages of participant observation in qualitative research, I had a rough plan of collecting data through observation in the field. I had identified some activities that might facilitate the study, including the AMDAL commission meeting, local protests on land use and livelihood activities in the villages studied, at the stage of fieldwork

preparation. The focus of observation, including what to observe, at where, with whom and for what, however only become clear as it took place.

One of the major obstacles that emerged at the beginning of the fieldwork was to identify and invite participants who could inform the research questions. During the pilot phase in Jakarta and Bogor, I sought to invite a few AMDAL intermediaries for interview whose contacts I obtained from the local collaborator. I soon realised the difficulty of facilitating appointment by phone and managed to make an appointment with only one of them before I departed to the field site in East Kalimantan. Apart from that, an immediate issue arose during that first interview: it was hard to grasp the idea of how the AMDAL intermediaries were involved in each stage of the AMDAL procedures. The difficulties of understanding the interviewee were partly due to my struggle of communicating my confusions using “right” questions; but fundamentally, I did not clearly know what I wanted to find out from my questions. That first cumbersome interview made me realised I did not have any ideas of how the everyday practice of AMDAL or the routine of my interviewee might *look* like; therefore my questions simply did not make sense to them.

In an attempt to identify key informants and get a sense of the practices of AMDAL, that first interviewee assisted me to sit in an AMDAL technical evaluation and an impact evaluation meeting. Later in the other field sites, I also sat in another two meetings: one technical evaluation and one impact evaluation. Those meetings built up my initial understanding of the everyday practices of AMDAL: they allowed me to observe how land-use decisions were negotiated and made, the interactions among the commissioners, companies and local representatives of the communities affected, and the physical settings of the meeting. Investing time and effort in those meetings also made me become known to the AMDAL commissioners, thereby facilitating the invitation of the interview. Apart from attending the AMDAL meetings, I also visited the environmental agencies, and several other

government offices and NGOs involved and talked to their staff. Those observations were not directly cited in this thesis but helped me gain a picture of the daily routine of those departments. It also facilitated the later interviews by offering me a source of questions and that I could draw examples from my observation to make clear of my questions to the interviewee.

In the villages, I usually moved around in the villages on foot, but also had access to motorcycle and boat, which allowed me to move freely and observe peoples' resource use and daily activities (Appendix 6 shows some photos of the fieldwork). Due to the collective lifestyles in the villages, I did not have private space in the host homes and spent most of my off-time with the villagers. The villagers were generally hospitable and had close relationships with each other, and staying with a host granted me access to almost all the family-and-friends events, including Ramadan, weddings, funerals and other customary ceremonies, which offered me invaluable insights into their culture.

Although participant observation as a method has positive influences on the quality of data, there are limitations to be noted. One major critique of observation concerns the cultural representation of data as researchers might observe an event, thereby the subsequent interpretation, based on one's interest instead of being representative of what actually happens in a culture (Bernard 2017; De Munck and Sobo 1998; Kawulich 2005). Schensul et al. (1999) also remind us that researchers often enter the field and observe with particular theoretical frames which can limit their focus of observation. Besides, researchers' identities, for examples gender (Musante and DeWalt 2010; Sharp 2005), ethnicity (Scheyvens and Leslie 2000) and social class (Wolf 2018), can enable or restrict the access to different people and spaces, thereby different information and bodies of knowledge. Feminist development studies, however, have shown that those differences of researchers between gender, ethnicity and social class can, in turn, facilitate the development of new research questions and hypotheses

and improve the diversity of knowledge systems (e.g., Hopkins 2009; Naples 1996; Nussbaum 2000; Sharp 2005; Wolf 2018). To ensure the validity of information collected through observation, I kept field notes to reflect on the observation. I usually noted down the “where, when and who” of my observation, how I got access to the place or activity and anything that interested me.

The field notes was also supplemented by photos and videos. As phones with cameras were commonly used in the field sites, I believe photo taking would not be considered as something inappropriate. In public events, people often took photos and videos, while many had also asked to take photos with me or of my possession. Before I took photos and videos of documents, a person or anything with personal information, however, I would explain my purpose and ask for verbal consent. Every few days, I would review my field notes, photos and videos to make clear of my purpose of observation and its relevance to the research questions. I would also note questions emerging from my observations and sort out the activities or social circumstances which I perceived as interesting. Those questions were then discussed with those relevant (could be my interviewee, my host or anyone I met in the field). I usually discussed those questions with more than one person for affirmation. Observations were noted down and cited as such in empirical chapters. Discussion of participant observation with regards research ethics is detailed along with other concerns of conducting field research in Section 3.5.

3.4.3 Transcription, translation and coding

Transcription converts spoken words into text and also makes visible the features of conversational behaviour including the speaker’s acoustic features (e.g., pitch height) and non-linguistic features (throat-clearing, laughing, etc.) (Kowal and O’connell 2004). The production of a transcript also makes use of the field note, which could record other important information, such as the change of the speaker’s emotion and gestures during the conversation.

Making transcripts is not a theoretically neutral process, in which transcribers write down as entirely as possible what was said and done; instead, it should be considered as a reduction of the enormous amount of data (Cook 1990). Transcribers carry certain theoretical interest (and social background, a social constructivist might add) and seek to determine which aspects of the interviewee's behaviour should be put onto paper and that it can provide valuable information for answering the research questions (Edwards and Lampert 2014). Transcription is, therefore, a theory-driven constructive process and the interpretation by the transcriber influences the course of the analysis (Sandelowski 1994).

The creation of transcripts in this study contained three stages, namely translation, transcription and coding. The interviews were mostly conducted in Indonesian, while some mixed with English and other local languages. I simultaneously translated the interviews from Indonesian to English when listening to the recordings. For parts of the conversations that involved with Indonesian words beyond my knowledge or other local languages, the research assistant helped create a written form of the dialogue in Indonesian. I would then translate those Indonesian conversations into English.

The translated documents were imported to NVivo 11 and each document represented one interviewee. I then proceeded to enrich the transcripts by describing other characteristics of the interviews noted in the field notes, including time, place, other physical settings of the interview, the change of the interviewee's emotion and gestures when they talked about any topics or asked to talk off-record. Further, I added personal information of the interviewees, as described in Section 3.4.1.

The coding framework was based on the themes developed for policy analysis (see Section 3.3.2), while I added three other domains of which the implications emerged as I coded. The coding themes are shown in Figure 3-3, in addition to those of policy analysis (Table 3-2). The theme of "Influential factors of just practice" enabled the analysis of the

opportunities for and barriers to just practice in a systematic manner; namely, the coded data allowed me to illustrate the facilitating and constraining factors perceived by different actors in different stages of the AMDAL process. This coding arrangement contributed to shaping the structure of this thesis, in which I organised the chapters according to the chronological order of the AMDAL. In Chapter 4, I present issues faced by transmigrants to be engaged in public consultations, while the discussions on technical evaluation (consultants, academics, government staff) and impact management evaluation (NGOs) are illustrated in Chapter 5 and 6 respectively.

The domain of “Governance level” helped capture the institutional characteristic of an action or idea. For example, when an interviewee describes the distribution of development gain and environmental loss, which may imply ideas of distributive justice, they may also mention the gains and losses at different governance levels. Alternatively, the interviewee may perceive the different extent of the importance of any ideas of justice at different governance levels. The domain of “Governance level” provided essential information for the analysis of all empirical chapters, but it was particularly useful for the framing of Chapter 5, which demonstrated the mobilisation and prioritisation of ideas of justice between different governance levels.

“Interaction setting” sought to capture the formal and informal platforms of land-use decision making. Again, the significance of this domain became clear when transcribing, as the interviewees described their strategies of securing the influences on the processes and outcomes of land-use decisions through different formal and informal platforms. Particularly in Chapter 4, the coding of “Interaction setting” has a significant impact on my interpretation of the weaknesses of the AMDAL participatory mechanism. In Chapter 5 and 6, I illustrated how the social and cultural life of the AMDAL intermediaries (informal setting) had affected

the interviewees' perceptions and actions in institutional land-use decisions making (formal setting).

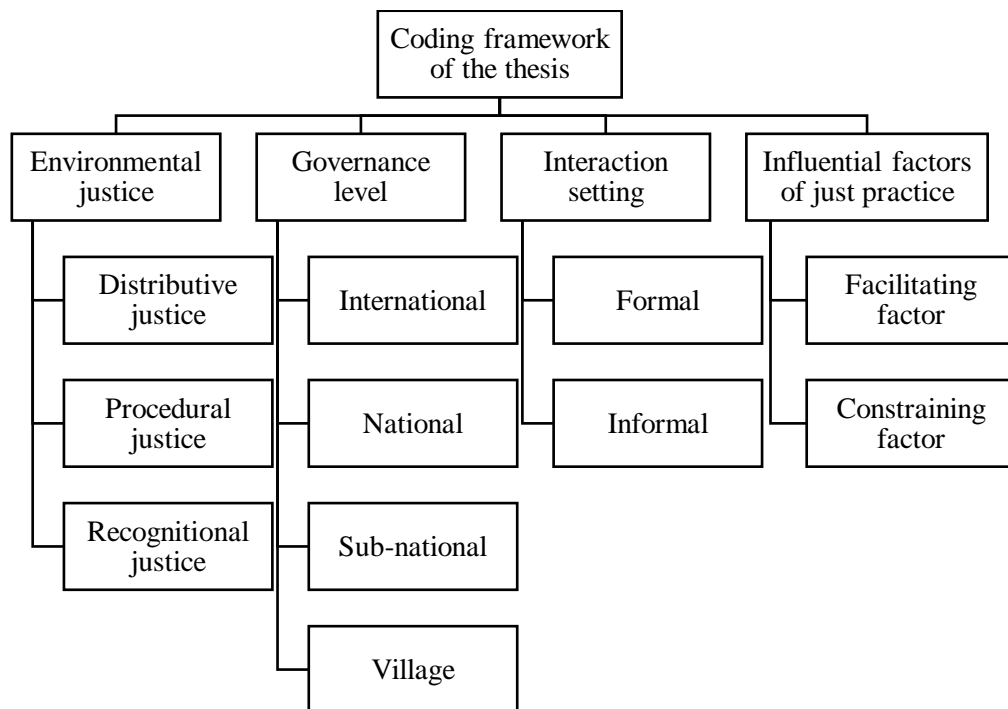


Figure 3-3 Coding themes of data on the case study level.

3.5 Ethical considerations in conducting field research

Ethical issues are major concerns in development studies fieldwork, as Madge (1993, 297) reminds us that academics "... have not yet adequately explored the power relations, inequalities and injustices" upon which differences between the researchers and the researched are based. My primary ethical considerations were about data confidentiality and my research positionalities that might affect the interaction and outcome of the research. This section details those concerns and my approaches to address them.

My concern of data confidentiality was about the risk of disclosure and the release of sensitive information. These issues mainly concerned the AMDAL intermediaries, given that it was a small institutional community. Each AMDAL commission visited consisted of around 25 individuals and only one to two representatives from each organisations involved. Providing geographical information at the district and village levels would likely expose the AMDAL intermediaries' identities. I, therefore, provide only the information on the study site at the provincial level in all publications and presentations. Additionally, I describe the demography and land-use conflicts of the villages in the respective result chapters when such information is needed for understanding particular issues discussed.

I followed the University of Edinburgh's ethical requirements for field research (Appendix 7). In an attempt to be as transparently as possible and to minimise the risk of compromising anonymity, I provided a plain-language information sheet to outline my research and how I would use the data the research participants provided. For gaining informed consent from the research participants, I prepared the consent of participation sheet to the research participants. These sheets were provided in both English and Indonesian (see Appendix 8 to 15). This approach is however insufficient to ensure anonymity and informed consent especially when the researcher interacts with the participants who are not familiar to Western academic culture and ethics paperwork (Kumar et al. 2012; Nguyen 2015; Nie 2001).

I therefore sought to refine my approach of gaining informed consent in the response of the interaction with the participants. Prior to the interview, I explained the research purpose and the use of data collected to the respondents. I also explicitly told the participants that it might be practically challenging to anonymise their involvement for those who worked in or associated with the same AMDAL commission(s) as they did. I then discussed any concerns they had and offered a choice whether to be involved in the study. Due to a sense of the

sensitivity of collecting written consent as suggested by others (Nguyen 2015; Zhou and Nunes 2013), verbal consent was collected before I started the interview. During the interviews, I also initiated discussions on my research and sought to ensure that the research participants understand the purpose and consequences of conducting interviews, but also to maintain data accuracy. I found that the research purpose often only become clear to the interviewee during the interview because many would ask questions about the research and become more interested to their contribution only after we finished the interview. I therefore would reconfirm their consent after that final discussion on the research. I also collected interviewee's data only after the interview to provide them with opportunities for deciding whether and to what extent they wanted to share their personal information based on the interview context and content.

All data were stored securely in the cloud storage of the University of Edinburgh and a copy in my personal cloud storage. All data will be cleared from the University's storage upon the completion of my PhD study, and I will keep an anonymised and encrypted data set for the use of related research, publications and presentations for a necessary period.

Researcher positionality

It is the practice of a researcher to recognise and reflect upon their influences on a study, for instances on how data are generated or interpreted. Researchers should consider how their own identity possibly affects their interpretation of the research situation and how their actions affect the people they encounter (England 1994). Here I reflect on how my personal background has shaped my thesis inquiries and the dialogical and other interaction processes during data collection in the field.

The design of qualitative empirical research and case studies are closely linked to the researcher's own experiences. As Diefenbach (2009, 877) suggests, researchers invest in particular topics and field sites because "...the researcher is somehow touched by the issues he

or she investigates. Researchers are humans. [...] he or she usually has an opinion not only about what they investigate but also how these things should be.” In this sense, intellectual rigour is tied to personal convictions like in any other profession. In qualitative research one should draw analytical but not practical lines between research and researcher, data and one’s interpretation. The question, therefore, is not how to exclude the human factor in research but being aware of and to cope with the possible downsides of subjectivity (Qin 2016).

I am conscious of my role as an intentional agent (Charmaz 2009) who sought to make sense of and write about my interviewees’ lived experiences using a purposively designed approach to pursue my research objectives. My positionality as the interviewer can direct and encourage conversations on specific topics (Rapley 2014) and will have affected the context of knowledge construction to an extent (Moss 2001). Although the positionalities of a researcher affect the data collected to a different extent, the following entry is nevertheless an attempt to make transparent the reflexivity that informs the analyses and theorising process of my study. I have sought to consider the similarities and differences among my interviewees, my research assistants and myself to reflect on the effects of my positionalities on the research encounters, processes and outcomes (Bourke 2014; Sultana 2007), including the issues of language use, nationality, gender, age, the social position as a student and research assistance.

Most of my interviewees spoke Indonesian, the official language of Indonesia, in addition to their native language(s) and/or other local languages. For some interviewees, however, Indonesian is the native language, while some other interviewees speak more than one native languages. Besides, the language spoken does not necessarily represent the speaker’s ethnicity as many interviewees learnt to speak other locally popular languages, including Kutai, Javanese and Banjar for convenience. I have a similar language background in that I speak Malaysian, the official language used in Malaysia, my birth country, as well as Chinese, my family language. Indonesian and Malaysian are two standardised varieties of the

Malay language which are mutually intelligible but easy to be distinguished by users. The interviewees often identified me as someone who speaks Malaysian and has a Chinese name almost instantly when we started talking. They would then confirm their guess and ask further questions on my background to understand me. In some occasions, I would offer this information when I introduced myself because it seemed to help them relax by informing my lingual background. Some interviewees also seemed to find me more relatable because of this multi-lingual background and often initiated conversations on their cultural experiences of using Indonesian and their native language(s) and other locally popular languages.

Before my fieldwork, I practised the Indonesian language and culture with an Indonesian language volunteer who was also a student from the University of Edinburgh for three months. Dominant cultures, particularly those formed under the monarchy and colonisation history in Indonesia and Malaysia have influenced those two standardised forms of Malay and generated some differences in grammar, vocabulary, pronunciation and loanwords (words imported into one language from another). I primarily used those language sessions to capture the cultural context of the Indonesian language, such as ways of addressing someone, loanwords and the influence of social factors on Indonesian⁸. I was able to conduct interviews and engage in daily conversations in Indonesian but needed interpretation when the conversation involved other languages, such as Kutai, Javanese and Banjar.

Having a similar language background helped me reduce the barriers to communication and gaining the trust of my interviewees; moreover, I believe my nationality as Malaysian also influenced the encounters between my interviewees and myself. Scholars such as Naples (1996), Banks (1998) and Ganga and Scott (2006) suggest that the issues of positionality apply to both researchers and research participants as both seek to make sense of

⁸ For instance, the Malay word *budak* means “a child” in Malaysian, while it can be a pejorative term in Indonesian implying “child slave” because the term was often used to address child workers by former colonisers of Indonesia.

their relational sense of self in the deliberate, research situation. Therefore, researchers are not purely objective and accurate (as an “outsider”) on the understanding of a specific issue, instead, should be considered as an “insider” looking at the others (research participants) similar to oneself. My field experience demonstrated how the research participants sought to engage with my study by finding similarities and differences between their positionalities and mine. Many AMDAL intermediaries and local villagers participated had some degree of personal engagement to the socioeconomic, cultural and political context of Malaysia. They often initiated the topics of popular culture, political situation and their (or their families’ and friends’) travel or work experiences to Malaysia. I realised the possible influence of my nationality over the process of data collection and had adjusted the way I interacted. I often purposefully started topics about popular culture to build rapport with the interviewee as it was useful to get the conversation going. I however avoided talking about politics and economics in Malaysia unless the interviewee asked. That was to prevent the interviewee from assuming my topics of interest and talking about issues they might not have emphasised otherwise. Nevertheless, I believe (and some interviewees explicitly expressed that) the interviewees were willing to open up for the issues of corruption and political influences of deforestation because they found or perceived congruence with the Malaysian context of forest governance⁹. When they initiated these topics and the others in general, they sought to compare the challenges faced by Malaysia and Indonesia.

Gender can also affect how a researcher is positioned differently to others, and thus may produce different findings from others in qualitative research (Warren 1988). In my field sites, political and cultural power was captured by elderly men, while women had less access to education and economic resources. As a female researcher, the experiences of interviews with men and with women is likely to be different, particularly when the community itself has

⁹ This applies particularly to the deforestation linked to oil palm agriculture. Indonesia and Malaysia, together accounted for over 85% of total global palm oil production (Food and Agriculture Organization of the United Nations 2016).

certain expectations and norms regarding the behaviour of different genders (Hopkins 2009). However, my research participants may not read and interpret my positionalities in relation purely to gender, or any single and static identity. For example, the research participants often introduced me to the others as a student who was studying PhD in a university in the UK, Malaysian, Chinese, and my other identities observed. They would also emphasise some of my identities over the others to make sense of different situations.

The interaction approach was different from the AMDAL intermediaries in the cities and the local villages. Due to the nature of their work, I expected the AMDAL intermediaries, i.e. governmental officers, NGOs, consultants and academics, to be comfortable to talk to me as a woman from a different cultural background. For example, interviewees from the villages often asked about my gender when the research assistant made initial contact by phone, but this question never occurred with the AMDAL intermediaries. In my first visit to the villages, my assistants were a man and a woman, both were undergraduate students in similar ages. To observe the influence of gender on the interaction and data collected, one assistant would accompany me in any interviews. Both the assistants and the villagers appreciated not to physically touch the other gender(s) when we greeted, namely handshaking and were generally comfortable to indicate their consent to how they were greeted¹⁰. I also arranged the man or woman assistant respectively to lead discussions on the gender role in the family, which the interviewee usually talked about farming, cooking, and parenting. My gender and that of my assistants' did not appear to affect the behaviour of the interviewee and the data collected as they discussed openly the often distinct and binary gender role in the family. The second stage of data collection in the villages only involved the man assistant, and all interviews and focus groups were conducted in the presence of the assistant and myself. The villagers were more

¹⁰ The acceptance of physical contact with the other gender(s) vary across Muslims (all village interviewees were Muslims) and it may be discouraged or prohibited for some. All village interviewees identified themselves as Muslim.

comfortable with our presence in the second visits, so I believe such an arrangement did not lead to any particular impact on the interaction and data accuracy.

Age is also suggested to influence the interaction between the researcher and the researched (e.g., Hay 2016; Hopf 2004; Mason 2004), I however did not observe apparent effect of my age on the interviewees. The age of interviewees ranged between 18 years old and 73 years old, while the majority were in their mid-age. In some occasions, the interviewees asked my age but did not seek to further that conversation or their interests on my age did not relate to the research. The researcher's positionalities are multiple, and the effect of their positionalities can vary in different situations (Bourke 2014; Henry 2016; Sultana 2007). For the villagers, the mutual trust built upon daily interaction may be more important to shape their interpretation to me than through my age; the education background and the professional attitude appropriate to the culture, on the other hand, may be prioritised by the AMDAL intermediaries over my age.

My identity as a student may also have a positive impact on the study as some villagers, and AMDAL interviewees consulted explained that they accepted the invitation to interview because they perceived their Islamic religious duty to assist others, especially students when being asked. Some AMDAL intermediaries made time for interviews because they believe in *thawab* (spiritual merit from performing good deeds) of helping students, including two interviewees rescheduled their work trip to make interview possible.

The positionalities of the research assistant and the homestay hosts, such as their interpretations of particular events and their strategies of resolutions (Turner 2010), can also influence the trajectory of interactions when doing research. These local assistants often act as research staff who contribute to the attainment of data, as well as ethnographic informants who help make sense of the social situations in the field (Bujra 2006). I am privileged to hold working knowledge of the Indonesian language which had significantly reduced the challenges

of verbal translations, as demonstrated by many cross-language, cross-cultural fieldworks (e.g., Caretta 2015; Ryen 2002; Scheyvens and Leslie 2000; Scott et al. 2006; Twyman et al. 1999). The research assistants and the homestay hosts however offered their knowledge of cultural norms, people's relationships and local land-use conflicts which had influenced the generation and interpretation of data. In general, the assistance of arranging meetings and logistics also significantly reduced my workload which enabled me to concentrate on other tasks. For example, I can prepare the interview materials when the assistant helped with making appointments with the interviewee. The teamwork made it possible to collecting rich data while meeting the fieldwork schedule and budget, thereby improved the quality of analysis.

Working conditions, safety concerns and emotional burden affect both researchers and assistants (Kaplan, Kuhnt, and Steinert 2020). I had sought to communicate the possibly challenging work condition to the assistants before we departed to the field sites and tried to manage decent condition as best as I could. While the work schedule mainly depended on the availability of the interviewees, I had made sure we worked a maximum of 10 hours a day, six days a week, and compensated the extra hours later. I realised the assistants wanted to commit to their daily prayer schedule, thus also made interview arrangement accordingly. Whenever possible, the assistants were provided private rooms to make sure they had personal spaces during the fieldwork. Safety concerns includes those caused by weather, travel and local conflicts, while one of the woman assistants also mentioned her concerns of sexual bullying in the recruitment. I had made sure we travelled with safe vehicles and roads whenever possible and asked their consent to travel in extraordinary circumstances. Interviews were conducted in groups and in open space whenever possible to avoid compromising the safety. I also communicated the assistant's consent, both man and woman, when the interview or activity was arranged in the evenings. Through these measures, I sought not to add extra physical and emotional burden to the assistants during the fieldwork.

In this section, I reflected on my positionalities with regards language, nationality, gender, age, the social position as a student, and research assistance as comprehensively and transparently as possible. Those identities affected my research interest, interactions with the interviewees and the overall course of this study, both consciously and unconsciously. Exchanging background information between researchers and interviewees, after all, is for making sense of each other's positions, and the interviewee can only get a true sense of the researcher through honest conversations. As I reflected on the fieldwork, I found that honest and open attitude to show my preference of disclosing and not to disclose certain information was as crucial to how the interviewees positioned me as the information I actually offered. Through those friendly negotiations on information exchange, the interviewee may relate me to any one they may encounter in regular, non-deliberate settings. I also felt I gained respect and trust from some interviewees when I did not compromise some information they asked, instead of making reckless statements in exchange for theirs. There are two positive, although implicit, influences on research ethics as I argue: firstly, being honest, fundamentally, matters to research integrity; secondly, the interviewees may feel more comfortable to decline to answer any questions the researcher asks as I also rejected to answer some of theirs, which may improve informed consent to interview.

3.6 Chapter conclusions

This chapter outlined the research design and methods I employed in the policy level and the case study level: three AMDAL commissions and four villages in East Kalimantan, Indonesia. The chapter detailed the qualitative methods I have used. At the policy level, I introduced the sampling of AMDAL regulations and content analysis, which enabled me to draw implications on the case study level. This was followed by the introduction of my approaches to data collection through semi-structured interviews, focus groups and participant observation in the field. In the next three chapters, I present the findings from these methods.

3.7 References

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4 Transmigrants' Perspectives of Environmental Justice and Land Tenure Conflicts in Indonesia: Community, Identity, and Space

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Chapter 4 Abstract

This chapter examines transmigrants' perspectives of environmental justice and land tenure conflicts linked to the national transmigration program (*Transmigrasi*) and the Environmental Impact Assessment (*Analisis Mengenai Dampak Lingkungan* or AMDAL) process in Indonesia. Using semi-structured interviews and focus groups, this study investigates how transmigrants' identities and their communities are related to place, and how recognition of such identities and communities influences transmigrants' experiences of distributive justice and procedural justice in land-use governance. The results show that community and place identity is essential in defining access to procedures, such as AMDAL, and thus to the distribution of benefits and costs which arise from the developments involved. The inadequacies of land-use policies in addressing the contested recognition claims and land rights between populations, in turn, fuels social and environmental conflicts. Resolving land tenure conflicts requires equal involvement of different social groups in determining land rights and the use of natural resources.

Keywords: community conflict; environmental assessment; environmental justice; indigenous land rights; land tenure; rural migration; spatiality

4.1 Introduction

Contested land use, such as mining, agriculture, forestry, and conservation, remains a primary source of conflicts in forest governance. Over the past two decades, the multi-dimensional environmental justice framing has broadened conceptual understandings of how multiple forms of injustice are embroiled in socio-environmental struggles in different contexts (Walker 2009). Namely, the pluralistic framing of EJ highlights three interlinked dimensions: distribution, procedure, and recognition (Schlosberg 2007; Sen 2011; Sikor 2013; Walker 2011). Distributive justice concerns the arrangement of socio-environmental costs and benefits among different people or social groups. Procedural justice considers how decisions are made and the involvement of different actors in these processes and outcomes. Recognition justice seeks acknowledgement of distinct identities within the distribution of rights and responsibilities in decision-making settings.

Land use development and justice disputes are often place-based. The spatial concerns of EJ using a pluralistic framing, especially from the aspect of recognition justice, however, are proving insufficient (Walker 2009). As Agyeman et al. (2016, 332) comment on the future direction of EJ theory, “Is environment a place? A space? A human (or nonhuman) community? And how are we attached or connected to each other and that broader community?” Chapter 4 responds to this scholarly call and explores how pluralistic EJ experiences and space are interrelated. This chapter develops the argument by investigating the perspectives of transmigrants on multidimensional EJ using a case study of land tenure conflict between transmigrants and indigenous people in East Kalimantan, Indonesia.

Previous studies have explored several forms of spatiality related to environmental injustice. These investigations, however, tend to focus on distributive justice, instead of documenting pluralised perspectives of injustice. EJ studies and activism have broadly documented how distributive injustice co-constitutes with space, particularly the health risks

linked with hazardous sites/activities and the disproportionate proximity of those sites to socially marginalised communities (e.g., Bryant 2003; Bullard 1999; Shrader-Frechette 2002). The geographies of procedural and recognitional justice have been discussed more implicitly. While procedural justice literature primarily addresses unequal power relationships underlying participation in decision-making procedures, it often implies barriers to access physical spaces for decision making by different social groups (Barnes et al. 2003; Barnett and Low 2004; Chhetri et al. 2013; Wever et al. 2012). A lack of recognition or misrecognition of identities and community, which are commonly bound to certain places, in turn, leads to the maldistribution of environmental harms and benefits (e.g., Bullard and Wright 2009; Eckenwiler 2018; Miller 2013). Walker calls for investigations into the geography of identity, hereafter referred to as place identity, namely the spatiality of cultural and institutional stigmatisation and devaluation of some social groups and their identities through “misrecognition of places” (Walker 2009, 625).

Literature on recognitional justice, in the context of environmental justice, has explored the connections among identity, community, and place, particularly in understanding indigenous struggles for justice (Daigle 2016; Schlosberg and Carruthers 2010). However, the indigenous conception of place identity does not fully explain the injustice struggles facing wide-ranging groups in local environmental practices, such as women (Agarwal 2009) and children (Skovdal and Andreouli 2011). Land-use development affects mainly biodiversity-rich areas, which spatially co-occur with cultural diversity (Gorenflo et al. 2012). Residents in these areas are also arguably the most marginalised people in environmental governance (Brosius and Hitchner 2010). This indicates the need to diversify our understandings of the causes of misrecognition and other linked unjust experiences across different social groups. I thus use place identity as an entry point to understanding the spatiality of pluralistic, i.e. three-dimensional, notions of environmental justice.

Chapter 4 contributes to understanding how place identities of migrants and their community are linked to land-use arrangements, and how recognition of such identity and community influences their pluralised experiences of justice in local land-use governance. In doing so, this study draws on competing land-tenure disputes in relation to two land-use policies in Indonesia - the national transmigration program (*Transmigrasi*) and the Environmental Impact Assessment (*Analisis Mengenai Dampak Lingkungan* or AMDAL) process. Both policies have significantly influenced the country's landscapes and land use governance over the past 50 years. Notably, this chapter answers three questions: 1) How are transmigrants identities and their communities related to place; 2) How does the recognition (or lack thereof) of such identity and community affect transmigrants' experiences of distributive justice at the local level; and 3) How do both of these influence transmigrants' ability to participate in the decision-making processes of AMDAL for land use projects.

4.2 Literature review: Place identity and recognition

The production of place and identity are often interconnected and are relational (Massey and Massey 2005). As Lewis (1979, 24) argues, “[t]o a large degree cultures dictate that certain activities should occur in certain places, and only those places.” While people are situated geographically and materially in specific locations, their actions and relationships with other beings in those locations form their identities (Eckenwiler 2018; Escobar 2001; Young 2010). Simultaneously, people's actions and interactions construct places, both intentionally and unintentionally (Soja 2013). Some people for example leave their homelands, which are vulnerable to climate change impacts, thus they depopulate those areas, while other people move to cities for more opportunities, in turn, creating overcrowded spaces.

Four areas of scholarship have contributed significantly to our understandings of the consequences of the misrecognition of identities; namely Hegelianism, critical theory, decolonialism, and the capabilities approach (Martin et al. 2016). These theories explore the

damage and causes of misrecognition and the mechanisms for addressing these issues. In several ways, they relate to discussions of place identity - mainly place stigmatisation, which concerns place-based harm through misrecognition of identities associated with particular spaces.

Hegelianism argues that misrecognition occurs when more powerful actors deny the identities and worldviews of less powerful individuals. Hegelian recognition examines physiological harm to individuals due to misrecognition of identities. For instance, Barreto et al. (2010) argue that one's feelings about oneself are affected when identities cannot be recognised in their preferred manner. Smith and Silva (2011) assert that recognition of ethnic identity influences one's self-esteem and well-being. These physiological effects can be understood alongside studies of place identity, and authors such as Painter (1995) and Sen (2006) point out that recognition should consider whether people can fit in and move freely in spaces without compromising their identities and well-being.

Studies on mobility and displacement are also associated with Hegelian notions of identity recognition. For example, Eckenwiler (2018) and Leitner et al. (2008) explore the cultural disconnection with spaces when people leave their homeland and move into areas where social rules and relationships are different. Local communities also commonly claim such feelings of disorientation of identity when development and conservation activities disrupt their livelihood and culture (Daigle 2016; Li 2014).

Negative consequences of misrecognition can also act beyond individuals' physiological experience, being also physical and social at a community or cultural level, (Fraser 1997). Critical theory of recognition argues that differences in status among social groups can lead to the misrecognition of identities (Fraser 2008; Young 1990). Such status difference is created when the cultural values of certain social groups are held by broader society as superior to those of others. The dominant cultural values degrade the social status

of minority groups and culturally subordinates their identities. This unequal status for identities subsequently harms individuals' and their communities' opportunity to access socioeconomic and political resources in an equal manner (Fraser 2007; 2000).

Numerous empirical studies have examined structural barriers to recognition using the conception of subordination. Particularly in relation to spatiality, Hedman (2008b) shows how the production of the identity of "illegal migrants" can legitimate the banishment of certain social groups (i.e. those identified as illegal migrants) in plantation and forest sites across Malaysia. Moreover, Broegaard et al. (2017) argue that national land-use policies can discriminate against indigenous peoples' territorial principles and marginalise their cultural perspectives in environmental management. Suiseeya (2014) also demonstrates how the limited political resources of indigenous peoples lead to their access to decision making spaces of the Nagoya Protocol being restricted. Critical theory of recognition has thus broadened the understanding of spatiality in EJ in two ways. First, misrecognition of place identity can affect people both on the individual and cultural level. Second, socially marginalised groups that suffer from misrecognition can also be excluded from the space for decision-making and impacted by the unequal distribution of place-based harms.

Drawing on the thinking of Hegelianism and critical theory, decolonialism offers insights into subordination that brings harm to the freedom and opportunities of different groups (Escobar 2007). Indigenous worldviews have significantly influenced decolonialist arguments around identities, emphasising communities over the individuals, and the relationship between humans, non-humans, spirits, and "mother-nature" (Grosfoguel 2007). Decolonial scholars argue that past misrecognition of indigenous identities, which were already devalued and stigmatised during the colonial period, is constituted through the institutional promotion of education, policies, and social norms in many post-colonial countries (Santos 2007).

Such historical discrimination of particular worldviews can affect the production of place identity. Sen (2006) argues that identity is not merely created based on one's self-categorisation, but also through social interactions – it is important whether others recognise our identities in ways that are consistent with how we see ourselves, or not. Inconsistency with others in understanding one's place identity, therefore, not only brings psychological harm to unrecognised identities (consistent with Hegelian thinking) but also harms the individuals' livelihood, community survival, and opportunities for political participation (consistent with critical theory). For example, Blaikie (2006) finds that communities defined along historical colonial boundaries are often inconsistent with the indigenous customary boundaries based on natural resources. Fairhead and Leach (2003) articulate how western scientific knowledge systems dominate various land-use management regimes, which structurally degraded alternative knowledge forms in the territorial arrangement in West Africa and the Caribbean.

Finally, the capabilities approach explores individuals' opportunities or "capabilities" to achieve their life objectives (Nussbaum 2007; Sen 2006). Such capabilities for securing an individual's freedom in social life depend on equal respect and non-discrimination for various identities, such as race, sexual orientation, and religion. In particular, the capabilities theory examines what the conditions are and should be to allow the transformation of primary goods into the resources for a functioning life, and what might disrupt that process (Sen 2009). The disrespect and discrimination of specific identities can lead to place stigmatisation. For instance, Curtice et al. (2005) reveal that people living in socio-economically deprived neighbourhoods in Scotland are more likely to experience the impact of environmental incivilities (how particular groups of people from a specific place are inclined to feel negatively about their living environment). These stigmas then affect the distribution of institutional resources for these areas that are required for a functioning life. At a larger scale, Pellow (2005) explored how deprived communities are more likely to be chosen for industrial

development and waste handling through the design of land-use zoning in the US, restricting the conditions for a healthy life.

As Harvey (1996) argues, justice should be considered alongside geography because claims of injustice and space are co-constructed. How people conceive of EJ offers insights into the understanding of a particular place; on the other hand, examining how people understand and interact with/in a particular place will help make sense of their prioritised EJ claims. If different social groups or communities assert different justice narratives to present their struggles (Fraser 2007; Schlosberg 2007; Sikor 2013; Walker 2012; Young 1990), they may also hold different specific understandings of the spatiality of the conflict. Responding to Walker (2009)'s suggestion, this study, therefore, seeks to connect contemporary EJ theory and geography. In particular, this study sees "place identity" as a potentially strategic resource and explores how differing spatial understandings between different communities can support more resilient and responsive multidimensional EJ discourse.

4.3 *Background to AMDAL and Transmigration*

Over the past 50 years, Indonesian land-use policies had been shaped by 32 years of Suharto's authoritarian regime, then by democracy since 1999 (Sahide et al. 2018). Widespread justice movements and international development interventions have also influenced the country's development and conservation strategies (Myers and Ardiansyah 2014). Both AMDAL and transmigration, key policies in this study, have been implemented during and following the regime, and crucially affect environmental governance in Indonesia, shown in Figure 4-1.

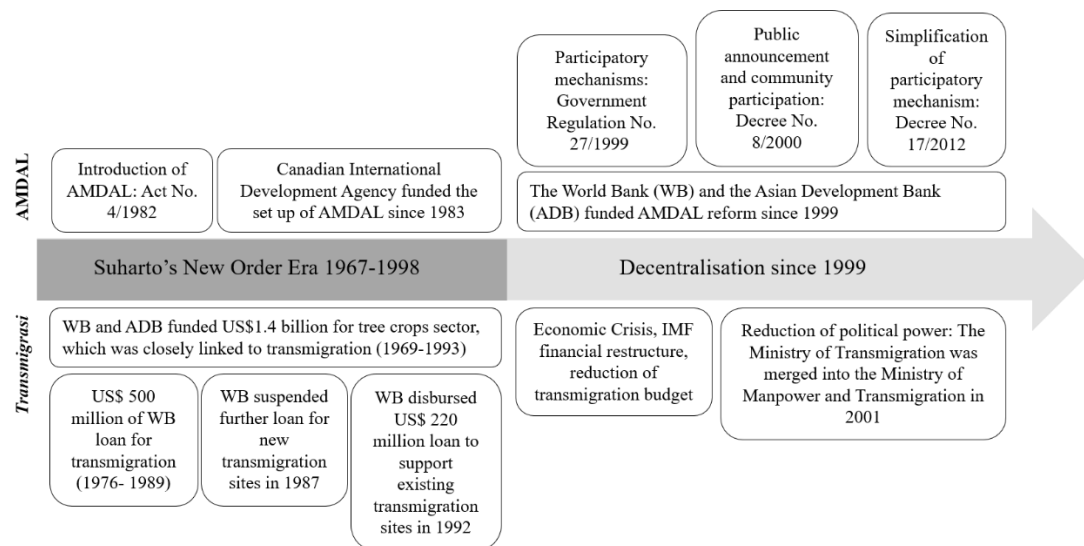


Figure 4-1 The development of AMDAL and Transmigration.

AMDAL was introduced in 1982 primarily as a donor-driven safeguard during the “New Order” regime (Purnama, 2003b). Following the country’s decentralisation, the reformed AMDAL is arguably the only participatory control for land-use management. Concerning issues of place identity, academics and practitioners have questioned the ambiguity around the AMDAL definition of “affected community” and a lack of guidelines on identifying the demarcation of those communities in the AMDAL legislation (Myers et al. 2017; Purnama 2003a). A World Bank commissioned report (Qipra 2005) also found that the criteria for identifying affected communities in AMDAL were often self-assessed by proponents of development projects. Considering its significance for public participation and land-use management, the AMDAL policy offers opportunities for exploring misrecognition struggles associated with place identity in local land-use governance.

Transmigration was a nationwide rural migration program aiming for more balanced demographic development, alleviating poverty, and extracting natural resources through the physical movement of communities (Whitten 1987). Transmigrants received a two-hectare

plot of agricultural land through the program (Adhiati and Bobsien 2001). Financial support of the World Bank and other bilateral donors led to massive transmigration in the 1980s (Asian Development Bank 2000; 1997; World Bank 1999; 1986). Over 3.5 million people had resettled to transmigration sites by 1990 (Adhiati and Bobsien 2001), and the recent 2010 Census registered an estimated 20 million transmigrants (including their descendants) in Indonesia (Statistics Indonesia 2010).

However, inadequate land-use planning and preparation of transmigration site resulted in large-scale forest conversion to agricultural land and settlements (Darmawan, Klasen, and Nuryartono 2016; Sunderlin and Resosudarmo 1999). Transmigration sites were often found to overlap with indigenous customary lands and were given to transmigrants without the communities' consent and without the provision of compensation (Colchester and Lohmann 1993). The resistance of indigenous populations resulted in violence around the country (Hedman 2008a; Human Rights Watch 2001).

International campaigns against transmigration in the mid-1980s mainly concerned the environmental and social impacts of deforestation on indigenous communities (Gatto, Wollni, and Qaim 2015; International Survival 1985; Jewitt et al. 2014; Potter 2012). The challenges facing transmigrant communities in accessing justice in land-use governance have received little attention from human rights activists and scholars. Those transmigrants, however, also struggled to improve their livelihoods under the resettlement scheme (Sage 2005; The Jakarta Post 2019). Many transmigrant households were resettled in allocated sites where the land was unsuitable for agriculture (Otten 1986; Pakpahan 1992). The majority of transmigrants were poor and landless labourers who could not afford to return to their homeland. Consequently, the transmigrants sought to sustain their livelihood by clearing more forest, which exacerbated deforestation and intensified conflicts with the indigenous populations (Colchester 1986; Ross 1980).

International financial aid for transmigration was suspended under extensive domestic and international criticism (International Survival 1985; World Bank 1999; 1986). The 1997 financial crisis and decentralisation in 2001 further reduced the national budget allocated to the resettlement program (Adhiati and Bobsien 2001). While land-use scientists and practitioners widely agreed that transmigration had ended following the political transformation of Indonesia, many long-lasting land tenure conflicts between indigenous and transmigrant communities have remained unresolved. These recognition struggles for land rights are coupled with the historically poor performance of AMDAL's participatory approaches and with the continued loss of forest in the country. Moreover, the Indonesian government's new plan of moving its capital from Jakarta to East Kalimantan has coincided with a transmigration site, which again brings this controversial policy back to current debates of land-use governance (Llewellyn 2019).

The scale of forest and biodiversity richness in Indonesia makes it key in achieving global sustainable goals (such as SDGs and Aichi Targets). Addressing the empirical EJ "gap", between the theoretical expectations and the practice of land-use governance is urgently needed. This chapter, therefore, demonstrates the importance of considering recognition of place identity and of pluralised EJ concerns in addressing the land tenure conflicts between transmigrants and indigenous on the AMDAL process.

4.4 Study site

Chapter 4 drew on a village site comprising both transmigrants and indigenous Kutai inhabitants in East Kalimantan province. East Kalimantan has one of the highest deforestation rates in Indonesia (Wijaya et al. 2015) and is also a leading resettlement destination. As detailed in Table 4-1, the province received the biggest flow of in-migrants in Kalimantan over the past 40 years. Although the transmigration program has stopped

bringing in government-led migrants, individual migrants continue to move in primarily for employment in the province's growing agricultural and mining industries (Potter, 2012).

Table 4-1 In-migration in five provinces on Kalimantan based on Intercensal Population Census.

Province	1985	1990	1995	2000	2005	2010	2015
East Kalimantan	83,976	194,531	138,627	155,498	149,389	213,558	120,005
West Kalimantan	19,331	43,809	44,752	49,202	16,449	42,650	37,359
Central Kalimantan	33,328	78,791	36,477	124,387	31,513	122,969	78,396
South Kalimantan	55,752	98,330	69,244	89,320	62,574	103,455	86,621
North Kalimantan	North Kalimantan was a part of East Kalimantan until 2012.						34,691

Source: Statistics Indonesia, 2016

Migration profoundly boosted East Kalimantan's population. As of the 2010 Census (Statistics Indonesia 2010), over 30% of the population (1,159,900 lives out of 3,553,143) were lifetime migrants in East Kalimantan. The top three major ethnic groups, namely Javanese (29.54%), Bugis (18.26%) and Banjar (13.94%), were resettlers from Java, Sulawesi and South Kalimantan respectively. These ethnic groups mainly live in transmigration sites and urban areas. The fourth-largest population is the indigenous Kutai (9.21%) who inhabit Kutai Barat, Kutai Kartanegara and Kutai Timur, where the historic Kutai Kingdom was based.

Not only do distinct cultures exist in East Kalimantan, but also different livelihood practices. Historically, Kutai people have been connected culturally and socioeconomically with the river. While a river serves as a waterway and the source of essential resource to sustain lives, it is also symbolic to the Kutai people because they have lived alongside rivers for centuries. Conversely, Javanese and Bugis, who were mainly of agricultural origins, migrated

to East Kalimantan along with their differing agriculture practices — demonstrating how different experiences affect the use of the natural resources.

Three criteria for site selection were: 1) a village comprising both Kutai inhabitants and transmigrants; 2) the village participated in AMDAL; and 3) the AMDAL process covered one of the significant deforestation activities in East Kalimantan, such as logging, coal mining, or oil palm. The village location, the accurate timeline of land conflict and the names of research participants has been anonymised in order to maintain confidentiality. Consent to participate in the research was granted from the respondents based on the confidentiality of these data.

The village site straddles a river of approximately 500-meter width, comprising Kutai neighbourhoods on one side and transmigration neighbourhoods on the other side (see Figure 4-2). The Kutai neighbourhoods are situated by the river, while the transmigration neighbourhoods are three to five kilometres away from the river. The village office is located in the Kutai neighbourhood and serves administrative functions. The neighbourhoods on both sides are connected through river transport. The transmigration neighbourhoods are also connected to a town five kilometres away by road, in which essential services, such as healthcare and schools, are provided. The village consists of around 800 households, of which 170 transmigrant households from Java and West Nusa Tenggara arrived in the early 1990s. The demographic domination of indigenous inhabitants in this village site does not necessarily represent a general demographic pattern in the area, but reflects a deliberate decision to investigate justice issues facing social minorities.

The Department of Transmigration set up a transmigration site in this village in the early 1990s after gaining consent from the village opinion leaders (*tokoh-tokoh masyarakat*), such as the village head, the religious chief and the customary chief. Each transmigration household received two plots of agricultural land (*Lahan Usaha*) for a total of two hectares.

The first plot (LU1) was 0.75 hectares for the use of residence and family farming. The second plot (LU2) was 1.25 hectares for commercial crops, such as rubber and palm oil. Overlaying land tenure conflict between the transmigrants and Kutai landowners had taken place on the LU2. The Kutai villagers had been sceptical about the authority of transmigrant's land rights since they arrived. However, the communal conflict only arose when a palm oil plantation was proposed close to the village. The plantation coincided with the LU2, over which both transmigrants and Kutai both claimed land rights.

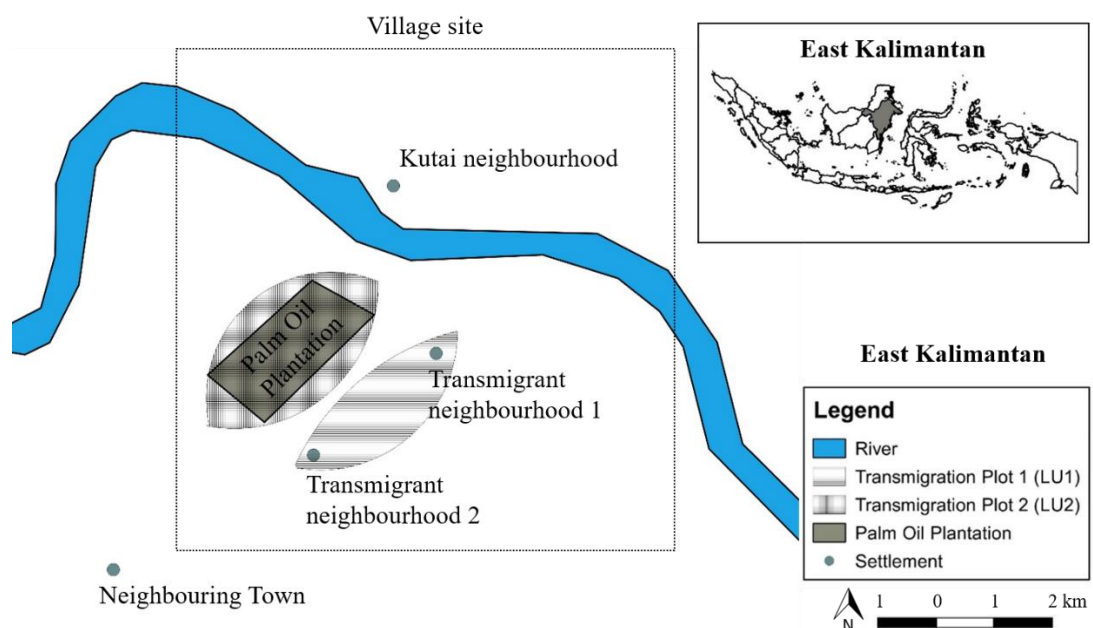


Figure 4-2 Relational location of the study area.

Note: Accurate location data was altered for confidentiality.

The conflict intensified through several stages (see Figure 4-3 for a timeline). It started with the exclusion of transmigrants in the AMDAL public consultation for the palm oil project on LU2. Following that, the company set up a land acquisition team, which only included Kutai villagers. The land acquisition team coordinated amongst the Kutai-proclaimed landowners, the village office, and the company to arrange land compensation based on the Kutai's customary rights. The palm oil company and the land acquisition team cleared the LU2, where some transmigrants had grown rice, without the consent of transmigrants. It has resulted in continuous protests and negotiations over the past ten years. When the fieldwork for this study occurred, the transmigrants had filed a collective lawsuit to seek jurisdiction resolution for the land tenure conflicts.

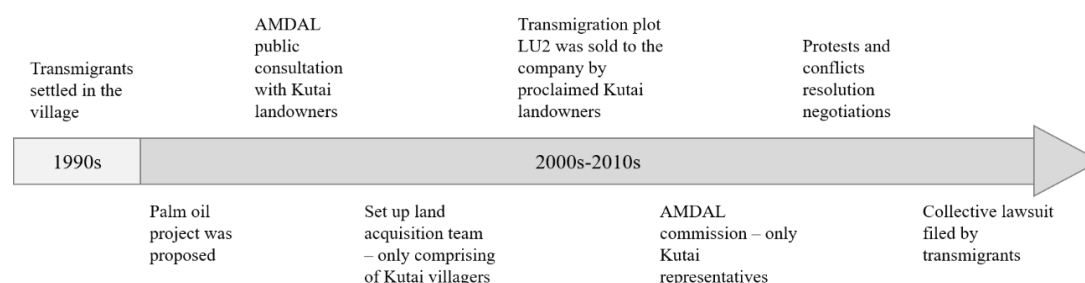


Figure 4-3 Development of land tenure conflicts in the village.

4.5 Methods

Semi-structured interviews and focus groups were conducted with 18 transmigrants, two individual migrants, and four Kutai in the village, between February and July 2018. See Table 4-2 for interviewee information. Data collection had a dominant sampling of transmigrants to focus on the transmigrant's experience of land-use conflicts. Respondents were selected purposively, targeting individuals who participated in events related to land conflicts, such as

public consultation, protests, or lawsuits. Two individual migrants participated in this study because they were living in the transmigrant neighbourhoods and had been involved in land tenure negotiations as the transmigrant representatives.

The interview guide for both interviews and focus groups consisted of a variety of open-ended questions to explore the respondents' experience of land tenure conflicts and their perceptions of justice. Notably, the researcher invited the transmigrants to describe their resettlement experience, the interaction with other villagers, and their experiences of participating in various village decision-making settings — this set of questions aimed to understand how transmigrants perceived their place attachment and identity. The second set of questions explored transmigrants' experiences of AMDAL participation to understand the influence of recognitional justice in achieving procedural justice. Questions elicited information on the AMDAL project, on the transmigrant's participation in or exclusion from AMDAL related events, and on the resistance strategies taken by transmigrants against the palm oil project. Both interviews and focus groups followed a similar question structure, however focus groups promoted collective reflection on the processes of land conflicts and sought to examine similarities and differences of perspectives. The recorded data from interviews and focus groups were transcribed and were coded under the themes of distributive justice, procedural justice and recognitional justice, as shown in Figure 4-4, using NVivo 11.

Table 4-2 Information on research participants (occupation is based on self-description).

No.	Respondent	Occupation	Age	Gender	No. Interview	No. Focus group
1	Individual migrant	Head of sub-neighbourhood 1	34	Male	1	-
2	Individual migrant	Neighbourhood-1 head	-	Male	1	-
3	Kutai	Member of the land acquisition team	63	Male	1	-
4	Kutai	Transmigration land rights supporter	49	Male	1	-
5	Kutai	Village head	-	Male	1	-
6	Kutai	Village officer	55	Male	2	-
7	Transmigrant	Farmer	46	Male	1	-
8	Transmigrant	Farmer	48	Male	1	1
9	Transmigrant	Farmer	53	Male		1
10	Transmigrant	Farmer	55	Male	1	1
11	Transmigrant	Farmer	58	Male	1	-
12	Transmigrant	Farmer and land-use negotiations representative	-	Male	1	-
13	Transmigrant	Farmer and former Neighbourhood-2 head	49	Male	1	-
14	Transmigrant	Farmer and Neighbourhood-2 head	31	Male	2	2
15	Transmigrant	Subsistence labour	26	Male	1	1
16	Transmigrant	Subsistence labour	30	Male	-	1
17	Transmigrant	Subsistence labour	33	Male	-	1
18	Transmigrant	Subsistence labour	34	Male	-	2
19	Transmigrant	Subsistence labour	35	Male	-	2
20	Transmigrant	Homemaker, subsistence labour	-	Female	-	1
21	Transmigrant	Homemaker, subsistence labour	-	Female	-	1
22	Transmigrant	Homemaker, subsistence labour	-	Female	-	1
23	Transmigrant	Homemaker, Head of Women Association	-	Female	-	2
24	Transmigrant	Homemaker, street trader	-	Female	-	1

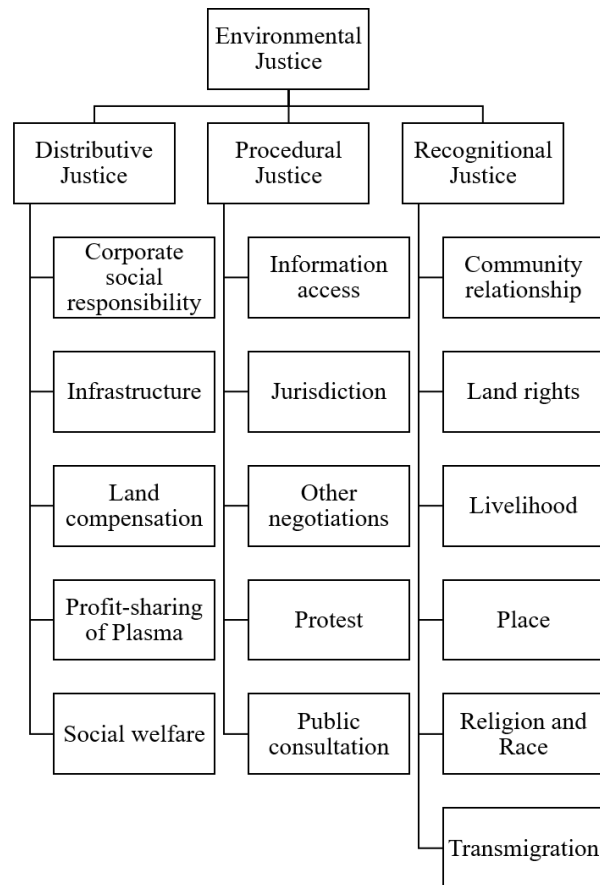


Figure 4-4 Coding themes of data.

4.6 Results

4.6.1 Transmigrants' perspectives of place identities

This section illustrates how *the river* as “place” relates to the identity of transmigrants and their community. It also presents the influence of geography on their everyday experience. An interview with a former neighbourhood head in the transmigrant neighbourhood illustrated some initial memories of the transmigrants about the river flowing through the village. As the transmigrant interviewee recalled his arrival in the village in the 1990s:

It was a forest [when we arrived in the neighbourhood]. This house was covered in grass. Alhamdulillah, if this was the house given to me, I cleared [the grass]. We did not believe we are going to settle here. It was harsh. But where could you go? There were not any settlements here. We only knew people were living on the other side [of the river].

Central within the respondent's narrative, it was a shared experience among the transmigrants – the confusion of being “nowhere,” gratitude for a chance to start a better life and endurance of hardship supported by religion. Notably, his story also revealed *where* he put himself in space – transmigrants on one side of the river, their Kutai neighbours on the other.

The river served as a boundary for community identification. The river carried different implications on livelihood practices between the Kutai and transmigrants. For the Kutai who have lived alongside the river for centuries, it is an essential part of everyday life. However, on the other side of the river, the transmigrants had less physical interaction with the river. Transmigrants, mainly farmers and subsistence labourers, used rainwater and underground water for farming and daily needs, due to the distance between the neighbourhoods and the river. For transportation, the transmigrants travelled mainly by road. None of the transmigrants reported owning a boat or knew any transmigrants who owned a boat in their neighbourhoods. In a focus group of five, a transmigrant interviewee commented:

Owning a boat is not essential for us. Most people farm. They sell their harvest to the neighbouring town by road [...] If I want to find jobs, I ride to the town.

Consequently, the geographical barrier created the social distance between the Kutai and the transmigrant neighbourhoods. A discussion of five mothers pictured how they actively differentiated the transmigrants from their Kutai neighbours. As one of the transmigrants explained her decision for child schooling:

If I sent my kid to the village school [in the Kutai-neighbourhood], he might end up alone. I would instead let him ride to the school in the town with other kids [of our neighbourhood]. At least they can take care of each other.

Moreover, an individual migrant and the head of a transmigrant sub-neighbourhood demonstrated his perception of a “community”, highlighting the interaction with and in their physical environment. His response showed that the sense of community is not necessarily coincident with jurisdictional boundaries:

Although the transmigrant and Kutai live in the same village, we are separated by the river. People who live here are more attached to other places connected by road. For example, they go to school and hospital in the town but not to cross the river to the village.

In addition to place attachment to the transmigrant neighbourhood, the interviewees also highlighted some shared experiences of resettlement (which would impact on their sense of community and subsequently place) among the transmigrant community members, regardless of their distinct ethnicity, homeland, and other social backgrounds. The transmigrants often initiated three topics of interest, which were the hardship in origin, migration process, and travel experience. As a 58-year old farmer described a lack of employment as the reason for migration:

Back then, you could not sustain. Many people became thieves. If I did not leave [my homeland], I would be one of them.

Regarding the experience of applying and preparing for transmigration, a transmigrant said:

I had three months of training and passed a test to grant the qualification of transmigration. Not everyone can be a transmigrant; we passed a test.

Finally, the experience of travelling to a strange place was also a significant topic of interest, as two transmigrants said:

I felt anxious. I had never moved before I came here. Many other travellers were the same.

I had never heard of the name of this place. People said it was on another island. I could only imagine.

These experiences of migration strengthened their community identity alongside the geography of the transmigrant neighbourhood, as the head of a transmigrant neighbourhood highlighted his perception of community linked to his interactions within the place:

I already lived here for 30 years; I know people around me. I like it here. I have land, and

I managed to feed my family. I can support my children to school; I have a house, my life is finally settled.

These responses offer some insights into understanding the association between community, identity, and space. Space can produce community when a group of people position themselves geographically in a particular area, and define their identities through their interactions within that space. In the village site, the river provides a distinct boundary through which to visualise place identity. However, such a geographical boundary alone does not produce or hinder a community. This same group of people also shared common impressions of relational positioning – e.g., “I cannot sustain in my homeland, so I moved here,” “I am on this side of the river but not the other side, because this is a place for migrants.” The experiences of these migrants imply that the production of a community and their struggles for recognition of identity may concern place-based interactions more than personal backgrounds, which will be further explored in the following section (4.6.2).

4.6.2 Distributive concerns linked to recognition struggles of community and place identity

Distinguishing collective recognition and individual recognition is crucial because the nature and subject of the impact of injustice may be different. The transmigrants interviewed demonstrated two issues that impacted the community as a whole - the distribution of social resources and the recognition of land rights, both associated with spatiality.

The transmigrants perceived the river as a barrier to accessing village services. As a homemaker described:

Everything is over there. Village office, clinic, school. Even mosque - we only have one that is under construction for more than three years!

Such spatial segregation influenced everyday experiences because the transmigrants needed to put more effort, compared to the Kutai, to access public spaces, social activities, and village information. As a transmigrant farmer said:

There is a square where the local [Kutai] hold weekend markets and celebrations. If you wanted to join, you need to cross the river. However, most of the time, we do not even know something is happening there.

Moreover, a transmigrant subsistence labour demonstrated that the quality of village services and the reactions of others also affected how he perceived his position in the community both socially and geographically:

We only have a football field here, but it is worn out. I wish they [the palm oil company and the village office] could repair it. However, neither the company nor the village office cares about us.

The transmigrants also commented that service standards were spatially unequal between the Kutai and the transmigrants neighbourhoods. As the head of a transmigrant neighbourhood reported his experience of using boat taxis:

The problem is the difference of treatment. They [the boatmen] refused to cross the river without five [passengers from this side]. However, if you [cross the river] from the other side, it is different. Right after we were on board, they embarked.

Turning to the recognition concerns for land rights, a transmigrant interviewee linked the land tenure dispute to the recognition of identities in a focus group:

Few people had objected to transmigration initially. More people started to be against us when the land became valuable. They said, “Go back to your hometown.” It sounded like we never existed.

A transmigrant farmer also sought to justify his land rights through his “existence” and interactions within the spaces geographically:

For how many years we had farmed here! We came intending to be Kalimantan people, Kutai people, and the people of this village. I thought they would acknowledge our existence.

The functioning of the community can be affected materially and psychologically through space. Spatial segregation harms equal opportunities for the members of the transmigrant community to access social resources. The interviewees also perceived different standards of public services between communities. These unequal treatments also affected the interviewees psychologically in the ways they often linked these experiences to their place identities and the community they belonged. The next section (4.6.3) further presents how these experiences, both materially and psychologically, led to the exclusion of participation for the whole community in land-use negotiations associated with AMDAL.

4.6.3 The influence of misrecognition and maldistribution on transmigrants' participation in AMDAL

Acknowledgement of the interests of specific groups of people is essential in deciding who participates and who is excluded (or excludes themselves) in decision-making processes. Interviews with the transmigrants revealed that a lack of recognition of their identities and community had suppressed their ability to participate in decision-making processes, not only AMDAL but also other village affairs. Understanding the exclusion of participation in other village affairs is crucial because it explains why the voice of the transmigrant community was muted when it came to AMDAL participation of the palm oil project, and how the project proponent justified land clearing without the transmigrants' consent.

Except for the heads of transmigrant neighbourhoods, other transmigrants interviewed had not participated in any village meetings. The transmigrant neighbourhood heads generally perceived their participation as a formality with little influence. The head of a transmigrant sub-neighbourhood described his experience in the annual village meetings:

They [the village government] invited us, so we were obliged to participate. However, they rarely asked our opinions about village development. We just sat there and followed whatever decisions were made.

Also, a lack of recognition of their identities discouraged transmigrants from raising their voices in village affairs. As a transmigrant farmer commented on abandoned road construction in the neighbourhood initiated by the village government:

The road will remain damaged as long as they allow heavy trucks from the oil palm company to use the road. But what can we do? If we protested, people would think we have other agendas. Let them do whatever they want.

The exclusion of transmigrants in village decision-making settings resulted in transmigrants' disadvantaged positions in AMDAL public consultation and land acquisition. That was because the participants of public meetings and land acquisition were both decided by the village government. As a Kutai village officer described the process of selecting participants for consultations:

An invitation letter [of public consultation] was addressed to the village head. Then he chose the participants.

A Kutai villager and transmigrant supporter questioned the fairness of land acquisition, which the team members were only Kutai:

The village head chose the team members of [land acquisition]. No one knows the criteria.

The exclusion from the participation of the whole community marginalised the voices of the transmigrants. As the head of a transmigrant neighbourhood complained about the difficulty of accessing information for land clearing:

We did not know there was public consultation. There was no consultation in our community, but the company said they had compensated the land. We did not even know who received the compensation.

The transmigrants commonly perceived a lack of recognition for their community and place identities, resulting in their exclusion from participation. The Kutai villager and transmigrant supporter was disappointed by a lack of recognition of transmigrant community in the village:

Transmigrants were excluded in village decision-making. They were left over there [the other side of the river], on their own. They were called "trans" or "incomer" although they have lived here for decades. We should not call them incomer anymore; they are our people.

Other Kutai interviewees confirmed the importance of recognition of place identity and community in selecting the participants for land-use decision making. A member of the land acquisition team explained why and how the team excluded the transmigrants in negotiations regarding land compensation:

Those lands did not belong to transmigrants; the local people lent them. We did not need to ask them when we wanted to sell. The acquisition team only approached our people.

A Kutai village officer pointed out the rationale of excluding transmigrants in the public consultations:

Public consultation only involved Kutai. Transmigrants were not landowners, so they were not invited.

The transmigrants felt that public participation had failed to achieve its goals with regards to justice because of a lack of their recognition in the processes. As the head of a transmigrant neighbourhood said:

The operation of the [land acquisition] team was wrong. They never discussed land compensation with transmigrants. However, when we confronted them, they said we were incomer, we should go back to our homeland instead of complaining.

Several transmigrants perceived that the palm oil company took advantage of the formalistic participation and ambiguous land ownership in the land deal. As a transmigrant protest leader pointed out the company prioritised Kutai customary rights over transmigrant land rights as a result of interest weighing:

The company chose to support local people's land rights because local people supported the company [project].

Another example from a transmigrant showed:

If I knew the land clearing plan, I would not agree to it. Local people wanted to sell the land, so the company acknowledged the land as customary land.

A lack of clarity for land rights had resulted in intra-community conflicts. A transmigrant protestor complaint about the reactions of the village and sub-district government in response to their land rights claims:

We need their [the government] support to solve the [land tenure] conflicts. We waited and waited, but they never responded. We did not have other options but protested.

Hidden tensions between the communities also concerned the interviewees after the protests happened. As a Kutai and transmigrant protest leader described:

Transmigrants are scared of the Kutai after these conflicts. Even if the transmigrants manage to take back their land, I worry it will agitate the Kutai. The situation could be worse.

A Kutai interviewee said:

Transmigrants just borrowed the land from the Kutai [...] If we lose the lawsuit [of land ownership], violence may occur.

These findings demonstrate the interconnected nature of recognitional, procedural, and distributive aspects of EJ. Without considering these concerns in a pluralised way, conflicts between communities over land tenure and control remain, despite the correct formal procedures for participation being in place. In addition to a lack of clarity on land ownership, the other parties in land-use negotiations did not recognise the transmigrants' identities and their community as a whole. Participation with the AMDAL process failed to deliver procedural justice for the project-affected stakeholders. Moreover, participation without the consideration of place identity brings harm to community relations and functioning beyond

the project scope. Technical weaknesses in the design and implementation of land-use policies - AMDAL and transmigration in this case study - do not fully explain the land tenure conflicts. Disrespect for the transmigrants' identities and community was part of the land tenure conflicts faced by these communities on an on-going basis. It is thus necessary to consider the influence of recognition of "community" embedded in national land-use policies and held by villagers, in order to understand local resistance to conservation and development strategies and projects.

4.7 Discussions

Struggles for recognition by the transmigrants raises crucial questions in addressing land tenure conflicts. Namely, how do we identify those who deserve recognition geographically? How do we deal with competing recognition claims based on place identity? While recognition is rooted in the interactions between various human and non-human beings (e.g., animals and plants) in society, mutual consents among stakeholders is necessary to secure the existence of a community and the rights held by that community. When various stakeholders do not agree with the subjects of recognition (i.e. who deserves recognition), the effects of state authority and top-down policies may be limited in addressing land-use conflicts.

These findings show the significance of identity and community in securing recognition for individuals in the conflicts of contested land tenure. The individuals' rights to access public services and decision-making spaces cannot be fully realised when the transmigrant community is not recognised by other actors, i.e. the Kutai, the government, and the palm oil company. These findings confirmed the importance of considering community recognition in addressing recognitional injustices facing individuals (Bullard and Wright 2009; Vermeulen and Walker 2011). Moreover, these results support the importance of identifying the impacts of misrecognition faced by individuals and communities in land-use conflicts (Getches and Pellow 2002), and the role of place identity in that misrecognition. Our

findings thus suggest that there is a need to recognise and operationalise notions of community in the three-dimensional EJ framing.

Our findings offer insights into understanding the role of “community” in forming identities. Individual identities are commonly agreed as being plural and repositioned continuously based on the spatial, socio-economic, and cultural contexts (Fraser 2009; Sen 2006). Even though all individuals inhabit multiple positions and identities, those who have been disenfranchised may seek to articulate a shared identity around race, class, gender, and other cultural elements (Bullard 1994; Cutter 1995; Fielding and Frey 1994). The concern for community in the context of EJ is as an operational concept, used in articulating and analysing demographic patterns of environmental impacts within a particular area. The works by Agrawal and Gibson (2001) and Blaikie (2006) expanded the understandings of the heterogeneity of communities, and remind us to think beyond an “idealised” or romantic version of what a “community” is. Our findings support these arguments based on the pluralistic identities present within the transmigrant/Kutai communities. In addition, it is important to note the interconnected relations between the articulations of communities and of place identity, specifically as they articulate with EJ issues. Community and place identity is essential in defining access to procedures, such as AMDAL, and thus to the distribution of benefits and costs which arise from the developments involved. Understanding how community and place identity are co-constituted is important in land-use governance as it may improve the recognition and inclusion of all community members. Not only is the production of identity a continuous process through everyday social interactions within space (Agyeman et al. 2016; Eckenwiler 2018; Escobar 2001; Holifield, Porter, and Walker 2010), but the land itself is also embedded in transmigrants’ identities. While EJ literature has started to explore how the identities of indigenous groups are closely linked to the space they live (Schlosberg and Carruthers 2010), the findings presented in this chapter confirm that such place attachments also applied to migrants, even though they are relatively “new” arrivals to the

area. Even though the transmigration program was designed under the state agenda of development (Adhiati and Bobsien 2001; Darmawan, Klasen, and Nuryartono 2016; Human Rights Watch 2001; Sunderlin and Resosudarmo 1999), the transmigrants discussed in this study resisted the development of a palm oil project in their village. While this preference should not be generalised elsewhere, the findings show that community relations and people's interactions with space affect their decisions regarding environment and development strategies. By influencing the interactions between people and between people and places, transmigrants' attachment to their community and the allocated land in this case, we may open up opportunities for more sustainable ways in managing natural resources.

Turning to the EJ issues of land-use policies, this study articulated the contested land rights between the indigenous people and transmigrants. I added to the work of others, in articulating the impact of the transmigration program on deforestation and the disruption of indigenous practices (Barr et al. 2006; Elmhirst 1999; Gatto, Wollni, and Qaim 2015; Potter 2012). This study also highlights structural flaws in the land-use governance system, which fails to incorporate the need for recognition of various social groups, i.e. migrant populations. Ultimately, the goal of recognitional justice is the elimination of domination and subordination of any social groups, in order that equal opportunities are opened up for accessing public welfare in environment and development plans (Escobar 2007; Fraser 2007; Fraser and Honneth 2003; Sen 2009). The findings illustrate the case when the land-use system is inadequate in addressing the contested recognition claims and land rights between indigenous and migrant populations. The inadequacies of land-use policies are therefore fuelling social and environmental conflicts. Matters of safety and communal violence expressed and shared by interviewees in this study demonstrate increasing uncertainty around social and political stability fuelled by the perceived injustices of land-use policies. This study suggests that more attention be invested in understanding the perspective of migrants on land-use management and the impact of land-use decisions on the functioning of the

community. Dealing with the enormous land-tenure conflicts that the transmigration program has left, this study calls for more efforts to be made on reviewing the impacts of decentralisation on the planning and implementation of land-use policies in Indonesia. Moreover, resolving land tenure conflicts requires attention to fundamental land reform, namely to involve different social groups in determining land rights and the use of natural resources.

A focus on the transmigration program and the AMDAL system offers important implications for the understandings of EJ. Both policies were created with the intervention of various domestic and international actors (Adhiati and Bobsien 2001; Purnama 2003a). Each policy carries distinct agendas, yet the issues that each policy seeks to address are interconnected. The findings demonstrated that the concerns for those policies are not purely technical. The implementation of land-use policies influences the formation and transformation of physical spaces and social interactions in society. For instance, the transmigration policy affected population movement, deforestation, and the formation of new settlements; the AMDAL system influenced how land-use decisions are made, resulting in the changes of landscape and potential land-use conflicts. While land-use policies are continuously updated according to changing political and social needs, such as the plan of moving the Indonesian capital, effects of past policies (transmigration in this case) remain and continue to influence current day practices of environmental governance. If academics seek to influence just transformation of land-use policy, it is also our responsibility to consider how to minimise the impacts on different social groups during the transition of policy. As in this case, how do we balance and optimise the twin claims for recognition from the indigenous and transmigrant communities' land practices without marginalising transmigrant communities and their place identities who were abandoned by the previous national system?

4.8 Conclusions

Chapter 4 explored how transmigrant identities and their communities are related to space and how lack of recognition or misrecognition of such identity and community affect transmigrants' experiences of distributive justice and procedural justice at the local level. Understanding the formation and articulation of place identity and the communities people belong to is crucial in the design and implementation of land-use policies because it affects the EJ concerns that people are claiming. The articulation of community provides a way to track place-based impacts and conflicts without seeing communities solely as jurisdictional boundaries. Many interactions between people take place outside of formal decision-making settings, and these everyday interactions are critical in shaping identities. Understanding different scales and scopes of EJ concerns asserted by different people and social groups can be useful for the resolution of land-use disputes. Determining recognitional justice concerns by community as a whole, therefore, is instrumental in understanding the reason behind land conflicts and thus for informing potential improvement to land-use policies.

Insights from transmigrant populations demonstrate the importance of considering notions of justice through a multidimensional approach. This study refers to the land-tenure conflicts relating to participation within the AMDAL process, but many interactions between people were found to take place outside these formal procedures and channels. Those everyday interactions appeared to be equally, if not more critical in shaping the perception of justice than public negotiations embedded in land-use policies. Misrecognition of locally defined identities and communities can result in the restriction of benefits access, such as land compensation and the exclusion from participation.

Land-use policies often contribute not only to broader development strategies, but also to conflicts. There is an urgent need to increasing recognition and acknowledgement of

multifaceted EJ concerns in the strategies of environmental governance in order to mitigate negative impacts on socially marginalised groups.

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5 Technical Experts' Perspectives of Justice-Related Norms: Lessons from Everyday Environmental Practices in Indonesia

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Chapter 5 Abstract

The involvement of technical experts in environmental management and their perspectives on environmental justice issues can influence how notions of justice become integrated into sub-national policies and programs. In other words, the justice-related norms perceived by technical experts have a huge impact on the delivery of justice for society and local environmental practices. Environmental Impact Assessment as the world's most widespread environmental policy tool, provides an opportunity for exploring the incorporation of justice in everyday environmental practices. Specifically, how justice concerns related to global sustainability goals might be promoted or shutdown at the sub-national level through the actions of the technical experts involved, i.e. those referred to here as "intermediary actors."

This study reports on research which used semi-structured interviews and focus groups to investigate the justice-related norms prioritised and promoted by intermediary actors, namely consultants, academics, and governmental officers, in the technical review process of Environmental Impact Assessment in Indonesia. It also examined the facilitating or constraining factors for negotiating and mobilising those norms in the project debates of AMDAL at the sub-national level. This study finds that the intermediaries engaged with prioritised issues of justice unevenly, as they prioritised distributive and procedural justice over recognitional concerns. Our findings also uncovered crucial structural factors that have preserved existing unequal power relationships in a decentralised environmental governance system. Traditional and authoritative customs underlying environmental policies and practices therefore have significantly influenced the prioritisation of justice-related norms. These social and cultural contexts have also restricted an upward mobilisation of justice concerns from the sub-national to national and international governance levels. This study argues that the intermediaries need various institutional, physical, and social resources to advance global sustainability and justice agendas at the sub-national level via existing national environmental management tools.

5.1 Introduction

Development and environmental conflicts have increasingly featured divergences between global and local norms of justice around the world (Martin et al. 2014). A multifaceted framing of environmental justice comprises three dimensions; the distribution of benefits and harms (distributive justice), participation in decision-making processes (procedural justice) and the recognition of distinct identities and worldviews of those affected (recognitional justice). Claims for environmental justice are essentially place-based, illustrating particular local struggles (Carmin and Agyeman 2011; Temper et al. 2018); however, the vocabularies of justice have also become discernible in global sustainability objectives and treaties (Martin 2013; Peet, Robbins, and Watts 2010; Sikor and Newell 2014). Negotiations at various sites and on different platforms from global to local scales therefore constitute the norms of environmental justice in specific contexts.

Policy implementation is a multi-scalar and dynamic process, where various actors negotiate ideas about the way things should be and ought to be done – i.e. “norms” (Acharya 2004). Norms are produced in a fusion of foreign and local, modern and traditional, institutional and cultural ideas, beliefs, rules and practices (Acharya 2013; Cleaver 2017). Both formal governmental regulations and local customs contribute to shaping practical arrangements and outcomes of environmental and development policies (Acharya 2014; 2011). To transform externally-conceived norms, for example related to justice, from the international or national level into the sub-national practice, involves the interplay of a variety of intermediary actors who are from the government, civil society and the private sector (Dawson et al. 2018). These intermediary actors may represent diverse stakeholders and carry out formal and informal roles in interpreting and implementing national policies on forests, land and other natural resources in a particular social context (Cleaver 2015).

Environmental Impact Assessment (EIA), as the world's most widespread environmental policy tool, is identified as a crucial platform for achieving the 2030 Agenda for Sustainable Development and other related frameworks such as the Strategic Plan for Biodiversity (UN Environment 2018). Its role in bridging local justice concerns and global sustainability goals is particularly important in many natural-resource-rich countries where EIAs are the only environmental policy tools that are publicly acknowledged (Lawrence 2013; Morgan 2012). EIA is linked to distributive justice because its objectives are fundamentally concerned with the impact of project actions on specific groups or populations (Walker 2010), while engaging cultural minorities' voices may also promote recognitional justice in decision-making procedures (Hanna et al. 2014). Procedural justice concerns the "effectiveness" of EIA, with literature exploring to what extent the formal procedure of EIA addresses specific goals (procedural outcomes) and how the practice of EIA achieves those goals (substantive outcomes) (Cashmore et al. 2010). Numerous studies have explored the barriers to effective participation in EIA faced by local communities (Cashmore and Axelsson 2013; Morgan 2012); however, few have examined the barriers created or faced by those involved in delivering the EIAs, and their potential to influence the substantive outcomes and the incorporation of justice in project negotiations.

Through exploring the perspective of intermediaries involved in everyday EIA governance practices at the sub-national level, this chapter addresses three questions: 1) What are EIA intermediaries' perceptions and prioritisations of justice-related norms? 2) What structural factors influence the travel of justice-related norms between governance scales? 3) Through which platforms do those EIA intermediaries negotiate justice-related norms? Using semi-structured interviews and focus groups, I explored a case study of EIA in Indonesia to investigate the perspectives of sub-national intermediaries who were involved in its technical review process, from governmental agencies, private consultancies, and academia. Indonesia has one of the world's highest deforestation rates and EIA acts as one of the criteria for

granting licenses for development projects (Swangjang 2018). Chapter 5 contributes new empirical evidence and insights to the everyday environmental arrangements regarding justice, as shaped by sub-national intermediaries.

5.2 Literature review: Critical institutionalism and the travel of justice-related norms

This chapter uses a critical institutionalism lens and pays attention to the power relationships underlying people's interactions that shape resource management arrangements and outcomes (Cleaver 2017). In contrast to the assumption of an optimal institution (Ostrom 2002), which considers the relationship between policy and local practices as direct and linear, Acharya (2004) proposes a critical approach emphasising the complexity of institutions entwined in everyday social life. Both structural factors and individual choices, particularly the role of local actors, are considered in shaping local governance arrangements (de Koning 2014; de Sardan 2015). That said, local actors are not passive followers of predetermined, top-down objectives, but actively negotiate and shape norms through a combination of resources and capabilities in certain normative beliefs and social contexts (Coggan et al. 2013; Kumar 2014; Mukhtarov 2014).

Conceptually, this approach shows that norm diffusion and development is not solely a downward process from international to local scales. Instead, national and sub-national actors have the potential to influence global objectives of environmental governance from below (Hargreaves et al. 2013; Schomers, Sattler, and Matzdorf 2015). They may seek to create a transnational justice network in mobilising local struggles (Caouette 2007), offer knowledge services to facilitate interactions among actors (Sternlieb et al. 2013) and collaborate to shape the outcomes of environmental governance (Schröter et al. 2018).

Transforming justice-related norms into practices of local environmental governance remains challenging due to barriers of local implementation capacity and to ideological differences in the conceptualisation of justice amongst various actors (Dawson 2018). To enable the integration of justice-related norms into local practices, they need to be represented and mobilised in policy negotiations. Intermediary actors from governments, private sector and civil society engage in both formal decision-making settings and informal processes, such as protest, media and other lobbying approaches, which influence norms formation and travel (Funder and Marani 2015). These intermediaries perform as brokers in development (De Sardan 2005) who seek to link objectives held by actors in different fields (Sikor et al. 2019). They may work vertically between governance levels and horizontally across platforms and issues, attempting to (re)interpret and (re)constitute the objectives of environmental management, such as those included in policies, to find congruence with local customs and priorities (Lewis and Mosse 2006; Mosse 2005).

Institutionally, physically and socially derived resources are necessary to access power by intermediaries in their attempts to influence the processes and outcomes of environmental governance. Rules, either constitutional or regulative, can be institutional resources for those who have more experiences of using those rules in advancing their objectives (Hrabanski et al. 2013). For example, studies have questioned the practices and representations of enforcing the law through the legal use of violence by state agents (see the volume by Blundo and Glasman (2013)). Moreover, travel of justice-related norms can be enabled or restricted by the extent to which minorities' voices are engaged in institutional platforms (Eastwood 2011; Sikor and Câm 2016). For instance, intermediaries may find it challenging to include indigenous worldviews in decision-making when national policies provide little recognition of customary land rights (Papillon and Rodon 2017).

Effective norms travel may be enabled when intermediaries have access to physical resources (e.g., proper work facilities) and social resources (e.g., close relationship with other actors) (Bosselmann and Lund 2013; Pham et al. 2010). In contrast, articulating justice-related norms may, in turn, constitute a source of power by providing intermediaries with a justification for resource access, such as external funding and knowledge support (Lindell 2009; Sikor et al. 2019). It is noted that intermediaries may not act consistently for local interests. Instead, they may prioritise individual or organisational agendas or represent contested causes for different stakeholders in different forums (Booth 2012). Therefore, it is crucial to understand the choices made by intermediaries, both as a conscious choice and a reflection of the social norms they are part of, about the justice-related norms they prioritise, the type of platforms they use to articulate their agendas and the actors they interact, collaborate with and represent (Dawson et al. 2018). Studies of the role of intermediaries in facilitating the travel of justice-related norms are still emerging. For an improved understanding of the practices of these intermediaries, this chapter, therefore, draws attention to the interactions between different intermediaries within project debates in the EIA process at the sub-national level.

Researchers and practitioners of EIA have increasingly acknowledged that a rationalist EIA model, which favours the setting up of “best practice” and pays little attention to the power relations in the implementation processes, is deficient in achieving substantive outcomes of sustainability and justice (Rozema et al. 2012; Walker 2010). Literature has started to explore political and social factors affecting the effectiveness of EIA at multiple scales. For example, Connelly and Richard (2005) revealed the structural barriers to mobilising environmental justice values in the commonly expert-driven approach of EIA, which have prioritised procedural elements of justice, rather than facilitating discussions about the costs and benefits linked to local culture, i.e. distributive justice. Williams and Dupuy (2017) found that the rationalist approach of EIA did not always match the local context of environmental

decision-making, which has increased the vulnerability of the EIA procedure to corruption and results in ineffective participation. Studies related to power and political dynamics remain underexplored and technocratic approaches that seek the best practice of EIA still dominate scholarly attentions (Cashmore and Axelsson 2013). The role and influence of various actors, especially the intermediaries, in achieving equitable outcomes from EIA remain limited. This chapter, which considers the perspectives and prioritisation of intermediary actors around issues of justice, is thus instrumental in improving the understanding of the formation and implementation of just local governance arrangements.

5.3 Methodology

5.3.1 Case study

EIA, locally referred to as *Analisis Mengenai Dampak Lingkungan* or AMDAL, was introduced into Indonesia in 1982 during Suharto's authoritarian regime. Following the country's decentralisation in 1999, AMDAL introduced a participatory mechanism. While AMDAL is arguably the only public policy tool that requires public participation in environmental decision-making in Indonesia, critiques of its fairness persist due to issues such as corrupted procedures (Muslihudin et al. 2018), weak implementation capacity of local governments (Gore and Fischer 2014) and formulaic participation (Hasan, Nahiduzzaman, and Aldosary 2018).

The process of AMDAL consist of public consultation, review of impact analysis and environmental permit granting. The review of impact analysis in AMDAL comprises two stages: technical evaluation and impact management evaluation. This chapter focuses on the institutional intermediaries involved in the technical evaluation as they directly engage in the interpretation and implementation of national environmental policies.

Technical evaluation of AMDAL is conducted under each national, provincial and district environmental authority. According to the Government Regulation No. 27/2012 on Environmental Permit, the intermediaries involved in the stage of technical evaluation are ecological and social experts (usually from local universities and research institutes), governmental officers who work in various agencies responsible for environmental impacts control (such as agriculture, forestry and land-use planning) and environmental consultants who are commissioned to conduct impact analyses by companies. These technical experts negotiate the project's compliance with laws and regulations, the scoping of the impact study, the methodology used for data collection and analysis, and the feasibility of impact management and monitoring plan. Their inputs are then considered in the second stage of impact review (see the perspectives and roles of intermediaries in impact management evaluation in Chapter 6), which will result in a final decision regards environmental permit granting.

5.3.2 Study methods

The findings were based on fieldwork conducted in East Kalimantan province between February and July 2018. Natural resource exploitation has dominated the economy of the province, which had led to numerous development projects applying for AMDAL review each year. Simultaneously, land-use conflicts related to environmental degradation have arisen as the majority of the population still live in rural areas and are dependent on forest resources (Fünfgeld 2016).

A total of 38 intermediaries, i.e. technical experts of AMDAL, participated in this study. These comprised 26 governmental officers, six academics, three academics who also worked as consultants and three consultants; who between them represented a wide range of disciplines and fields, including forestry, agriculture, hydrology, biodiversity, health, labour rights, sociology, spatial planning and transportation. Three environmental agencies in the

province provided lists and contacts of the technical experts. Due to a considerable number of consultants being available, the consultant candidates were selected based on three criteria: 1) the person was handling at least one AMDAL project during the fieldwork period, 2) the person was based in East Kalimantan (in consideration of research budget and time constraint) and 3) at least three other technical experts recommended the person. The intermediaries consulted were mostly senior staff in their organisations with an average age of 46 years old (between 32 and 67 years old, excluding one interviewee whose age was unknown). Thirty-five of the 38 interviewees were male. This study identified only three female government officers during sampling, and all three participated in the interviews. There was no female academic registered in the technical teams visited and no female consultants were recommended by three other technical experts. Geographical information and some information sources in Section 5.4 were anonymised to maintain confidentiality. Participants granted consent to publication based on the confidentiality of these data. The interviewees' information is in Table 5-1, where actual jobs are not shown, but grouped into broad categories.

This study included a total of 46 semi-structured interviews and five focus groups (four groups of two people and one group of four). Some individuals were interviewed more than once for either completing the question sets or answering follow-up questions. Some of them contributed more inputs than others, which could imply more influence on the findings. All interviewees were consulted for all questions designed in this study, nevertheless. A group setting was used in the first meetings when the interviewees suggested engaging their colleagues. Most of the group respondents, however, participated in an individual interview at a later time. Interviews and focus groups were held in either public space (e.g., a coffee shop) or private office/meeting room in the interviewees' workplace, except one in a shared workplace and two in the interviewee's house. The conversations lasted on average 1.5 hours, ranging from 30 minutes to 3 hours. Language use was based on the preference of the research

participants; most of them communicated in a mixture of Indonesian and English, while some used either language alone throughout the conversation.

Interviews and focus groups consisted of three sets of open-ended questions. The first set of questions explored the experiences of the intermediaries - as well as those of other intermediaries they knew - in participating in the AMDAL review and sought to capture their perspectives of justice as a technical expert. The intermediaries got to know the other intermediaries through sitting on the reviewing meetings together; some of them, however, were also colleagues in the same organisation or had collaborated on other projects beyond the technical review of AMDAL. The second question set investigated the social and cultural contexts underlying the AMDAL policies and practices, and the barriers to the travel of norms as perceived by the intermediaries. The final set of questions explored the challenges faced by the intermediaries in negotiating their agendas and the opportunities identified, or the strategies used in overcoming those challenges.

Interviews and focus groups were audio-recorded after explaining the research objective and obtaining informed consent. The respondents' permission for recording was reconfirmed when the conversation involved sensitive topics. Data were transcribed and analysed through thematic coding to identify the intermediaries' perceptions and prioritisation of justice-related norms under the category of justice-related issues, factors to norm travel, governance scales and platforms of norm travel. The justice theme explored the prioritisation of distributive, procedural and recognitional justice norms in environmental governance. The factors to norm travel recorded the factors facilitating or constraining the travel of norms. The governance scales captured how norms travel between the national, sub-national and local levels. Finally, the platforms of norm travel illustrated the type of platforms (formal or informal) the intermediaries used to pursue their agendas and the actors they interacted with.

Table 5-1 Interviewees' information based on self-description.

No.	Field of work	Age	Gender	Years of experience in AMDAL	No. Interviews	No. Focus group
1.	Academic	42	M	16-20	1	0
2.	Academic	44	M	6-10	2	1
3.	Academic	50	M	16-20	1	1
4.	Academic	50	M	<1	2	0
5.	Academic	51	M	11-15	1	0
6.	Academic	58	M	6-10	2	0
7.	Academic and consultant	45	M	-	2	0
8.	Academic and consultant	60	M	21-25	2	0
9.	Academic and consultant	63	M	21-25	1	0
10.	Environmental consultant	34	M	6-10	1	0
11.	Environmental consultant	51	M	16-20	3	0
12.	Environmental consultant	56	M	16-20	1	0
13.	Former senior government manager	49	F	6-10	2	0
14.	Former senior government manager	67	M	1-5	2	0
15.	Senior government manager	38	M	1-5	1	1
16.	Senior government manager	43	M	1-5	3	1

No.	Field of work	Age	Gender	Years of experience in AMDAL	No. Interviews	No. Focus group
17.	Senior government manager	43	M	6-10	0	1
18.	Senior government manager	43	M	6-10	1	0
19.	Senior government manager	46	M	11-15	1	0
20.	Senior government manager	47	M	16-20	1	0
21.	Senior government manager	49	F	16-20	1	0
22.	Senior government manager	50	M	6-10	2	0
23.	Senior government manager	51	M	<1	2	0
24.	Senior government manager	51	M	1-5	0	1
25.	Senior government manager	53	M	11-15	0	1
26.	Senior government manager	56	M	1-5	1	0
27.	Government officer	32	M	1-5	0	1
28.	Government officer	37	M	1-5	1	0
29.	Government officer	40	M	6-10	1	0
30.	Government officer	42	M	<1	0	1
31.	Government officer	42	M	1-5	2	0
32.	Government officer	42	M	11-15	1	1
33.	Government officer	43	M	1-5	0	1
34.	Government officer	43	M	1-5	0	1

No.	Field of work	Age	Gender	Years of experience in AMDAL	No. Interviews	No. Focus group
35.	Government officer	43	M	1-5	1	0
36.	Government officer	46	M	6-10	2	0
37.	Government officer	49	F	1-5	2	0
38.	Government officer	-	M	<1	1	0

Note: All participants classified into one of these categories for anonymity:

1. Senior government manager (including current and former Heads, secretariats, and other senior managers of Division of AMDAL, Disaster and risk management, Environmental monitoring, Forestry, Health, Labor and transmigration, and License issuance)
2. Government officer (including officers of Division of Environmental monitoring, Health, License issuance, Plantation, Spatial planning, and Transportation)
3. Academic (including specialists in biodiversity, hydrology, and spatial planning)
4. Academic and consultant (including specialists in biodiversity and sociology)
5. Environmental consultant (including specialists in AMDAL, land-use licensing, and project management)

5.4 Results

5.4.1 Intermediaries' perspective of justice-related norms in the AMDAL process

This section discusses data interpreted in relation to the perception and prioritisation of justice-related norms. Data shows that norms related to distributive justice and procedural justice dominated the interviews, while the intermediaries discussed little issues about the recognition of minorities' values. Distribution of the responsibility of impact management was the primary concern of the intermediaries, as demonstrated in the following quotes:

Companies should fulfil their commitments on compensation, employment and impact management [...] it is their responsibility. (Senior government manager)

Some local NGOs and people are passionate about conservation but have limited abilities [...] Who should bear the cost of empowerment? Is it the company, the government, or the people? (Former senior government manager)

The intermediaries consulted highlighted concerns about the disparity in recipients of the costs and benefits associated with the developments addressed by AMDAL, including between 1) national and sub-national government; 2) companies and local communities and 3) current and future generations:

Those companies take our coal, but we do not get money in return. Profit goes to the central government. (Academic and consultant)

Companies leave with resource and profit. Local people stay and bear the consequences. (Government officer)

AMDAL covers only the [responsibility of] impact [management] within a project period. But many impacts are irreversible and will be inherited by future generations. (Former senior government manager)

The discussion also related to procedural justice, focused on *how* to empower existing participants, namely the opinion leaders of local communities and NGOs, rather than questioning *who* should participate. The technical experts commonly expected AMDAL to open up political space for negotiating land-use decisions:

AMDAL allows a space where companies, communities and NGOs can negotiate. I hope local communities use this chance to understand the impacts and make sure their concerns are answered. (Senior government manager)

AMDAL has also provided a legislative ground for supporting the objectives of sustainable development, as perceived by the technical experts:

Which company does not pursue profit? Which community does not want a comfortable life [...] But whether a project is [environmentally] feasible, there are laws to follow. (Former senior government manager)

Finally, the intermediaries considered AMDAL as a tool for empowering local communities by offering a platform for knowledge building:

Public consultation should inform local communities on the project impacts [...] Not just tell them how much they will be compensated. (Academic)

People often discuss their concern about diseases in the meeting. I use this opportunity to explain to them. (Government officer)

While the interviewees commonly perceived that, as AMDAL technical experts, they are neutral to project interests, they were sceptical of their influence on decision-making:

The technical team just gives suggestions [on the impact analysis]. The company decides whether to accept it. (Senior government manager)

As a result, several intermediaries were discouraged from contributing to meaningful AMDAL debates, instead approaching it as a routine task to fulfil:

I give comments based on my knowledge. However, the companies and the people might not like it [...] Just let them do whatever they want. (Government officer)

A lack of influence on decisions coupled with low motivation leads to the question of whether the intermediaries have adequately safeguarded the quality of impact analysis. Some interviewees were concerned about the accountability of intermediaries:

We are just brokers – neither do I have influence on nor liability to the decisions made. (Government officer)

People who are involved in AMDAL should be accountable for their opinions [...] They could not just speak whatever comes to their mind. (Government officer)

Related to *who* participates, the intermediaries had little engagement in the discussion or promotion of recognitional justice. The interviewees were asked to talk about issues of indigenous land rights and participants' identities (usually male, landowners and opinion leaders) and most were satisfied with the existing arrangement of public participation:

It is fair enough to involve local opinion leaders [...] More people, more chaos. (Former senior government manager)

Landowners and local opinion leaders [*tokoh-tokoh masyarakat*] are invited to public consultation. Landless people are, of course, welcomed to join, but it does not really concern their interest. (Environmental consultant)

While the interviewees were not particularly concerned about gender issues in the technical team and public participation, some had voiced their opinions:

No one deliberately excludes women from participating [in the technical team]. Sometimes there is no suitable candidate. (Academic)

Women usually do not attend public consultations because they need to take care of housework [...] Husbands represent the family, so it is all right. (Academic)

Notably, most of the interviewees were male, and only three female technical experts were identified and interviewed in this study. All interviewees, including the three female intermediaries, reported that they did not know of any other female technical experts. Besides, the technical experts consulted were mostly senior staff based in an administrative centre (e.g., a capital city) and are not originating from rural communities that are affected by the AMDAL process. The technical experts of AMDAL paid more attention to the issues related to distributive justice (i.e., cost and benefit) and procedural justice (influence and transparency of decision-making), rather than recognitional justice, including the participants' gender and social class, which raises the question of whether the technical teams have adequately represented various stakeholders' interests.

5.4.2 Structural factors to norms travel between governance scales

Social and cultural contexts underlying environmental policies and practices, particularly those perceived by the intermediaries, can affect the formation and mobilisation of justice-related norms in multi-scalar environmental governance. The prioritisation of distributive and procedural justice is reflected in the intermediaries' perspectives of how AMDAL ought to be. The interviewees pointed out some emerging concerns on distributive and procedural justice raised by the stakeholders. Regarding distributive justice, the interviewees identified the

changing global perceptions of social impacts and sustainable development, which AMDAL should follow:

Minimising social impacts become important [...] Foreign investors are concerned about their reputation and hesitated to invest in conflicted areas [...] The government needs to listen to this call. (Academic and consultant)

Some investors want us to use international guidelines, such as RSPO [Responsible Sustainable Palm Oil] and FPIC [Free, prior and informed consent] to conduct impact analysis. AMDAL needs to keep up to those new ideas of sustainability. (Environmental consultant)

Increasing calls on public participation and pressure from expanded media reach have led to more emphasis on equitable distribution of benefit and cost and decision-making procedures, as observed by the intermediaries:

Local people are increasingly concerned about their rights in decision-making. Now the AMDAL authority has to deal with it carefully. (Government officer)

The government can close its eyes to project impacts when the public did not know what happened. They cannot do that anymore. As soon as there is protest, the whole country is informed by various media. (Academic and consultant)

The interviewees also highlighted the political dynamic around environmental governance as some discussed the impacts of decentralisation on local governance arrangement:

Autonomy is good. Districts have stronger power in deciding for activities like forestry and mining. We work more efficiently. (Former senior government manager)

In the past, anyone can conduct impact analysis. Now [after decentralisation], the consultants need to attend official training and get certified. (Academic and consultant)

Several structural barriers have constrained the mobilisation of justice-related norms within the AMDAL debates. Many intermediaries pointed out the contested principles of market-based environmental management, which hindered them from advancing conservation goals. One interviewee, for example, discussed the rising price of coal and increasing mining activities at the time of fieldwork:

International market decides the supply, demand and price. We do not have much say on people's decisions on their land. (Senior government manager)

Some found it challenging to implement top-down policies that were constituted on the international or national level at the sub-national level due to lack of applicability to the local physical and social context:

International donors do not understand the situation here. They can travel from one country to another in a few hours, while it may take us a day to move between two villages. Now, they complain about our efficiency. (Senior government manager)

Developed countries are those who can focus on conservation. We [local officers] need to take care of many problems at the same time, and every single one of them is urgent. (Government officer)

This country consists of thousands of island and ethnicities [...] The central government should not apply a single set of regulation to all regions. (Government officer)

Cultural values held by the intermediaries have also restricted the mobilisation of norms related to recognitional justice:

Some multinational companies wanted to involve women in public consultations [...] Those women found it stressful to speak publicly. This is disrespectful. Now I do not allow companies to force women to participate. (Senior government manager)

Authoritative work cultures have also limited open conversation and the mobilisation of justice-related norms in general. Several interviewees perceived that it could affect their organisational or personal interests if they openly object to the authority of their superior:

Better not to say “no” to the [AMDAL] reviewers. I do not want to annoy them, in case it affects [the result of] the application. (Environment consultant)

I was promoted [as the senior government manager of the anonymised environmental division] from another agency. I had known nothing about the environment [...] I was not obliged to accept that offer. However, if I disobeyed my superior, I might never get promoted again. (Former senior government manager)

Intermediaries such as the technical experts of AMDAL were observant of the emerging norms related to environmental justice in local governance due to their close interaction with various stakeholders and policies. They have provided meaningful insights to understanding existing and emerging values in the implementation of environmental policies. Their social and cultural backgrounds, however, have affected how they interpreted and reacted to social situations. Besides, the political and economic objectives embedded in the international and national policy frameworks have also significantly changed the processes and outcomes of the intermediaries’ everyday practices at the sub-national level. Enabling the mobilisation of justice-related norms between governance levels thus requires the understanding of the role of culture and capacity to find congruence with global conservation objectives.

5.4.3 Platforms through which norms travel in the AMDAL process

This section demonstrates some institutional, physical and social resources and platforms, through which justice norms travel in the practice of AMDAL. As the criteria for verifying

project feasibility, many intermediaries considered the regional land-use plan to be particularly useful and supported them in negotiating the outcomes of development projects. Ambiguous or lack of land use planning, in contrast, has caused social conflicts and increased their workload as they must mediate those conflicts:

If a project does not fit the land-use plan, I can reject it immediately. It is straightforward - there is no space for negotiation. (Government officer)

The regional land-use plan is ambiguous [...] We [the technical team] are forced to make critical decisions on land-use, which is not under AMDAL's authority. (Senior government manager)

To mobilise justice-related norms effectively, the intermediaries had discussed the need for setting up institutional strategies for two-way communication between the technical team and the licensing authority. Some interviewees, for instance, shared their concerns about the transparency of decisions made on license granting because they could not follow up on the processes of decision-making:

I do not know if the consultants understand my feedback or if they revise the analysis based on my recommendation [...] We [the technical team] do not get to see the final report. There is no follow-up. (Academic and consultant)

The [commission's] decision is sent to the licensing agency. However, I do not know if the applications are approved or rejected at their end. There is no means to monitor the process of permit issuance. (Senior government manager)

The intermediaries also found it hard to promote the value of conservation and public welfare within the existing legislative framework that has prioritised economic growth, as shown in the following quotes:

Economic growth is prioritised over social welfare. AMDAL aims to reduce the impact, not to remove them. What a committee can do is limited. (Government officer)

Provincial profit comes mainly from natural resource [exploitation]. If we were too strict with these activities, the profit decreased. The budget for environmental management would also decrease. This is the dilemma. (Senior government manager)

Interviews revealed that institutional resources were inadequate to support the technical experts in advancing justice and conservation values in the AMDAL negotiations. Addressing these structural constraints thus requires attention on not only the norms included in environmental policies but also the national policies of decentralisation in a broader context.

Turning to physical resources that have affected everyday governance arrangement and provided platforms for the travel of justice-related norms, the intermediaries identified opportunities that both enabled or restricted their pursuit of conservation or development agendas. Although the interviewees struggled to navigate their organisational and personal goals within the growth-oriented governance setting, they recognised that an improved financial condition of local governments has also improved their working conditions. Proper physical facilities and resources are perceived as essential to support the intermediaries in negotiating and mobilising their prioritised values in local environmental practice. Infrastructure, such as road, airport and mobile phone coverage, have enabled information exchange and access of knowledge service beyond an administrative territory, which has been particularly useful for areas that have limited institutional, physical, or social resources:

It lacks environmental experts in this area, so we need to invite technical reviewers externally [...] A good review is only made possible by fairly built roads or airports. (Former senior government manager)

There is an online forum of AMDAL where people exchange information and experience. Anyone may ask questions about a certain location or [analysis] method or update any regional laws and regulations. (Academic and consultant)

The interviewees also demonstrated that the use of remote sensing and other technologies has provided supportive tools to achieve their work goals in an improved work environment:

It is more efficient to monitor forest fire by satellite – the cost is lower, and it is safer for our staff. (Government officer)

Now, we use mobile devices to conduct the survey. It improves work conditions in the field [...] You can also check if the person-in-charge fulfil their tasks. (Government officer)

We should use digitalised reports in AMDAL; the data archive will work better [...] The public can access the data online. (Former senior government manager)

In contrast, the intermediaries perceived that access to high-quality data, including data scale, consistency and access, have been significant barriers to a fair evaluation of AMDAL. High-quality data therefore will be required for providing concrete scientific ground to support intermediaries in project negotiation:

It does not make sense to assess the impact on a village when the analysis is done at the district level [...] We compromise because that is the only official data available. (Government officer)

If I wanted to be perfect, I would need to collect data from several agencies and crosscheck them. However, you do not know whether and when they will reply. Furthermore, no one knows which set of data is the updated one for sure. (Environmental consultant)

Socially-derived resources and platforms that can affect the mobilisation of norms largely concerned the social relationship and interaction between the official and unofficial actors involved in and affected by the AMDAL process. While many claimed that they did not have a personal interaction with the unofficial actors who worked beyond the institutional debates of AMDAL (i.e. military actors, police and politicians), the interviewees generally

perceived the strong influence of those actors on the outcomes of their everyday practices and involvement in AMDAL as shown in the following quotes:

There was this time when I could not proceed with an [AMDAL] application because it had lacked a document from [anonymised governmental agency], which I had followed up for three months. One day I received a call from a general, asking about the process of this application [...] The document I wanted was put on my desk the next morning. (Anonymised technical expert)

It is hard to challenge a project, especially during an election year [...] Politicians need company sponsorship, they may take the money and intervene [the license granting process]. (Academic)

How “closely” the technical experts interact with each other has also affected the processes and outcomes of project negotiations in AMDAL. The governmental representatives were often chosen for different project reviews depending on their superiors’ arrangement. Several interviewees commented that they hesitated to engage in the discussion in AMDAL when they were unfamiliar with the other technical experts. In contrast, some found it harder to work with colleagues who collaborated with them in other programs:

The heads of the [governmental] agencies may assign different staff to participate in different projects [...] I know who represents which agency, but I do not know if I can count on their expertise. (Senior government manager)

I wanted to speak my mind frankly, but I do not want to be harsh [...] It would be easier if I could work with the people who know my personality. (Senior government manager)

It is harder to give critical comments to a project if I know my colleague in the university conducts its analysis. (Academic)

While corruption persisted as a significant concern of promoting equitable decision-making at the sub-national level, interviews revealed that issues of corruption should be considered alongside the power relationships that have encouraged or eliminated the behaviour of corruption. For instance, two anonymised governmental intermediaries perceived that they had been relocated to other departments due to their rejection of bribery. Being involved in such practice was not only for the monetary gain but also seen as a social norm in the sense that the intermediaries perceived they may also, in turn, need to bribe if they wanted to fulfil their tasks. In contrast, they would be socially penalised when they did not accept bribery, as illustrated in the following quotes:

There was pressure from the top and bottom [to receive bribery]. The colleagues teased me. You make yourself unpopular if you do not corrupt [...] My wife might blame me if she knew I had rejected the bribery. (Anonymised technical expert)

You would never get things done if you do not give money. The officers might say “you lack of this or that document” or “the person-in-charge is not here” [...] If you give money, half-day. (Anonymised technical expert)

We have a budget for bribery. You would know how to include this in the budget if you worked here [...] You need this to get things done. (Anonymised technical expert)

Issues of corruption can be coupled with low monetary and psychological incentives of carrying on equitable practices for the intermediaries. The technical experts were often overburdened by their workloads and worked part-time to make ends meet due to a low salary:

I do not feel appreciated [...] I work as a lecturer, consultant, in AMDAL and for other commissioned works [...] I work so hard just to make ends meet. (Academic and consultant)

It is hard to nurture good technical staff in this civil servant system. Not only have you needed to master the skill, but also to learn many regulations. It is hard to compete with the private sector by lower pay and higher commitment. (Senior government manager)

Interviews also revealed psychological rewards that were important for motivating the intermediaries, notably the recognition of skills and in compliance with personal goals:

I am not trying to win acclaim but to make good use of my knowledge. However, it is hard when you work in the government. (Government officer)

I quit consultancy to join the technical team [...] I earned more as a consultant. But I hope my knowledge can contribute to something bigger. (Academic)

The intermediaries perceived that common understandings of justice and sustainability goals were important for enabling such norms to travel vertically and horizontally. Not only should the intermediaries improve their knowledge of global environmental agendas, but also those whom the intermediaries seek to influence:

There is no training in reviewing AMDAL. We review the reports as we perceived as fair [...] If the authority does not prioritise the same thing as I, the project which I rejected might be approved anyway. (Government officer)

I only know about the importance of sustainability after I got trained. However, the district/provincial heads never get trained [...] How do I persuade them to conserve despite other agendas? (Former senior government manager)

The intermediaries also provided useful insight into the potential of the private sector in advancing justice-related objectives in environmental management. Any empowerment initiatives should thus engage the private sector and identify the support needed by various private sector actors in achieving justice-related agendas. While the private sector actors were often perceived to create constraints to mobilise justice-related norms in local environmental

practice, all interviewees had some experiences of positive collaboration with private sector actors:

I suggested some companies to include free health service, which the government cannot afford, as part of their impact management. They agreed and implemented those programs with district health agencies. Sometimes companies simply do not know what they can do.
(Government officer)

As the primary actor in environmental management, the private sector, especially local companies on a smaller scale, has not been fully engaged with local environmental management agendas, as perceived by the intermediaries. Identifying the barriers to executing management responsibilities faced by the private sector thus may enhance the mobilisation of justice-related norms:

Companies often do not understand what they had committed [...] They only realise they did not have enough budget or ability when they started to implement the management plan as they had promised. (Academic)

Smaller companies cannot afford a good consultancy service. They do not know how to judge the quality of the analysis, or whether their consultants did their job. (Academic and consultant)

Interviews with these intermediaries have contributed to understandings of the institutional, physical and social resources and platforms affecting the mobilisation of justice-related norms in the sub-national environmental management platforms. Most intermediaries perceived AMDAL as constrained forums for debating the principles of environmental policies compared to international and national arenas and actively opted out of such debates. The resources identified in this research have focused on those platforms which facilitate the travel of norms across the actors at the sub-national level. The interviews also portrayed the intermediaries' perspectives on the influence of unofficial actors and informal relationships on their practices. Further focus on identifying who the unofficial actors are, how they are

involved in the decision-making arena, and to what extent they influence the formation and mobilisation of justice-related norms in local environmental management will be useful to support intermediaries in the environmental practices.

5.5 *Discussions and conclusions*

Chapter 5 explored and exposed the justice-related norms prioritised by intermediaries; namely consultants, academics and governmental officers, in the technical review process of AMDAL in Indonesia. It also examined the platforms and resources through which justice-norms travelled and the factors which facilitated or constrained their negotiation in the project debates of AMDAL at the sub-national level. Environmental justice is conceptualised as being achieved through three interlinked dimensions, which are distributive, procedural and recognitional justice (Schlosberg 2013; Sikor 2013). The findings, however, revealed that these justice elements were prioritised unevenly by the intermediaries spoken to. Distributive and procedural justice-related norms were their primary concerns, while the objectives of recognitional justice were largely neglected. Such a pattern of prioritisation was also reflected in the intermediaries' interpretation of social and cultural context underlying environmental policies and practices. Namely, the emerging concerns of social impacts and global sustainability agendas have affected their way of understanding the structural barriers of market-oriented and top-down policies imposed on local environmental practices. Criticism of participation in AMDAL, including corruption (Muslihudin et al. 2018), low capacity of local governments (Gore and Fischer 2014) and formulaic participation (Hasan, Nahiduzzaman, and Aldosary 2018) were highly relevant to framing the intermediaries' prioritisation of justice issues.

This chapter contributes to the field of critical institutionalism through presenting the importance of everyday decisions making and interpretation by intermediaries for promoting environmental justice concerns in local environmental governance, as suggested by others

(Acharya 2004; Cleaver 2017; de Koning 2014; de Sardan 2015). The decision-making process of AMDAL is divided into several stages (public consultation, technical evaluation, impact management evaluation and license granting) in the decentralised governance system and the technical experts have been constrained to other stages beyond their set roles in the technical evaluation of AMDAL. These institutional barriers embedded in the policies have hindered the technical experts from assessing the outcomes of their efforts and discouraged these intermediaries from investing efforts in the AMDAL practices and processes.

These findings also revealed that traditional patriarchal norm persisted in the technical team, which raises questions as to the equitable participation of culturally marginalised ones in the AMDAL practices, given inadequate attention paid by the intermediaries to unequal power relationships around gender, indigeneity and property rights. Moreover, the critical institutionalism lens of this chapter offers insights into the ideological differences in the norms of justice between global initiatives and local concerns, as has been commented by others (Dawson 2018; de Koning 2014; de Sardan 2015). The findings suggest that traditional social norms underpin such ideological differences on justice, namely the prioritisation of distributive and procedural justice over recognitional justice. Taking into account that a technical review process is commonly one of the initial stages in defining the scope of impact management in an environmental impact assessment process, institutional participation of diverse cultural groups in the technical team will be required for promoting more equitable and sustainable outcomes of local environmental decision-making.

The intermediaries in this case study had attempted to mobilise their prioritised justice goals horizontally within the sub-national level among their superiors and cohorts, aligning with previous studies (see Coggan et al. 2013; Hargreaves et al. 2013). However, these intermediaries tended to accept the existing policy framework of AMDAL and the institutional roles assigned without seeking to influence or intervene in policy-making upwards, in contrast

to the theoretical expectation of promoting bottom-up policy formation through intermediaries (see Caouette 2007; Schomers, Sattler, and Matzdorf 2015; Schröter et al. 2018; Sternlieb et al. 2013). Partly because of their set role as a technical reviewer, the intermediaries emphasised the use of scientific knowledge and data to enable the mobilisation of their agendas, instead of local issues and priorities of land-use management, contrasting to other findings (see Lindell 2009; Sternlieb et al. 2013). In seeking collaboration to influence environmental outcomes as suggested by Schröter et al. (2018), the technical experts spoken to tended to work with other sub-national and technical actors, instead of connecting with civil society organisations and local communities as having been identified by Funder and Marani (2015). Authoritative work culture and concerns of the influence of unofficial actors in the AMDAL process, in this case, may have affected the intermediaries' strategies of mobilising their objectives. The government officials consulted were moved from post to post and there was no culture of developing a deep professional profile in the AMDAL practice. Continued loss of experience by intermediaries can stem the travel of justice-related norms in local environmental practice as the same justice claims may be repeatedly encountered with no procedural learning.

Interviews with the technical experts covered institutional, physical and social resources and platforms that are instrumental in enabling the mobilisation of justice-related norms horizontally within the sub-national level. Social relationships among various official and unofficial actors (Pham et al. 2010) is a significant consideration of the interviewees in their AMDAL-related decision-making. Not only may intermediaries prioritise different agendas in different social settings or forums, as has been found by others (e.g., Booth 2012; Hrabanski et al. 2013; Papillon and Rodon 2017), but the findings also suggest that a poor work environment and low incentives can influence the agendas they prioritise. Therefore, proper working conditions (Bosselmann and Lund 2013), including workload, incentives and safety, are critical for motivating intermediaries to engage in the environmental negotiations actively. The literature in interactional justice in the field of social psychology and

organizational behavior has explored how respect and fair treatment can influence people's perceptions of their own values and their commitments to work (Bies 2015; De Cremer et al. 2004). Also, effective communication between supervisors and subordinates are important to the perceptions of the subordinates on whether they are treated "fairly" (Zapata, Olsen, and Martins 2013). Insights of interactional justice may be beneficial to further studies on environmental justice with regards the role of intermediary actors in the field of environmental management.

The technical experts engaged with for this study demonstrated their constant attempts of seeking feasible solutions between the stakeholders' needs, abilities and budget within the local capacity of technology and facilities. Identifying the resources needed by these institutional intermediaries, therefore, may be significant to improving local environmental practices and delivering environmental justice from a cost-effectiveness perspective. This empowerment strategy can be useful especially because many countries that possess rich forest and natural resources often suffer from limited resources available for environmental management.

The issue of effectiveness in achieving sustainable development has been a significant concern of EIA scholars and has been reviewed by others (Cashmore et al. 2010; Morgan 2012). Studies have started to explore the potential of EIA as a tool to promote environmental justice goals in policy implementation, for example, Cashmore and Axelsson (2013) and Connelly and Richardson (2005). The findings showed that the technical experts in the AMDAL commission were informed as to the global sustainability and justice objectives, and actively sought to mobilise these norms into local practical arrangements. While the literature on environmental intermediaries has focused mainly on those engaged in international initiatives, as have been found by others (Bosselmann and Lund 2013; Coggan et al. 2013; Hrabanski et al. 2013), this case study presents the potential of advancing global sustainability

and justice agendas in the existing local environmental management tools through intermediaries. Not only are these tools, such as AMDAL, relatively well established and understood by the sub-national actors, they also have better access to local institutional, physical, social resources and platforms. If integrating justice-related norms into the practice of local governance is the goal of global sustainable initiatives, more attention will be required to explore potentially useful national policies and platforms to influence environmental decision-making at the sub-national level.

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6 For Whom do NGOs Speak? Accountability and Legitimacy in Pursuit of Just Environmental Impact Assessment

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Chapter 6 Abstract

Participation procedures that do not address existing power relations among actors can preserve or exacerbate injustice and put those already socially marginalised in a more disadvantaged position in environmental management. Chapter 6 therefore explores the role of intermediary actors in establishing procedural justice grounds for meaningful participation in Environmental Impact Assessment (EIA). It examines the extent to which Indonesia's EIA supports legitimate and accountable representation by Non-Governmental Organisation (NGO) intermediaries, thereby helping to achieve procedural justice in the practice of EIA. The findings highlight the procedural justice goals that are discernible through Indonesia's EIA regulatory framework. Three EIA commissions and two village case studies exhibit different interpretations of the meaning and implications of legitimacy regarding representation by NGOs in the EIA decision-making process. In the case studies, instances of land-use conflicts demonstrated concerns over NGO's accountability, resulting in the perception of "unjust" participation by the research participants. This chapter suggests that more attention should be paid to conceptualising the value and implications of accountability and legitimacy, which will support the representation of intermediaries in EIA and create a more meaningful and just public participation process.

6.1 Introduction

Incorporating stakeholders' justice concerns is a significant challenge in sustainable forest governance. If stakeholders perceive the decision-making process to be "unjust", this can undermine the implementation of both conservation and development projects (Hirsch et al. 2011; Mariki, Svarstad, and Benjaminsen 2015). While obtaining institutional legitimacy is a critical step in providing a benchmark of justice, it is inadequate in determining whether and to what extent justice is achieved in environmental practice. Legal procedures that do not address the existing power relations in institutional and social settings often preserve or exacerbate injustice, and put those already socially marginalised in a more disadvantaged position in environmental management (Carmin and Agyeman 2011; Ulloa 2017).

Research has emerged that explores justice and its implications for achieving an "effective" Environmental Impact Assessment (EIA) (Connelly and Richardson 2005; Walker 2010). The focus on effectiveness in EIA discourse is twofold. Firstly, it discusses to what extent the formal procedure of EIA addresses specific goals (procedural outcomes). Secondly, it examines the extent to which the practices of EIA actually achieve those goals (substantive outcomes) (Cashmore et al. 2010). Researchers have identified several constraints in evaluating substantive outcomes of EIA due to its predominantly procedural nature (Arts et al. 2012; Jha-Thakur and Fischer 2016). This limitation has resulted in an unbalanced focus on procedural outcomes, while the theoretical and practical issues of substantive outcomes remain mostly unexplored (A. J. Bond and Morrison-Saunders 2011; Jay et al. 2007; Morgan 2012). If informing the future development of EIA and reflecting broader trends in environmental planning and decision-making are critical concerns of EIA theories (Borgert et al. 2018; Sinclair, Doelle, and Gibson 2018), then more attention to the incorporation of environmental justice in EIA discourse will be required.

Contemporary framing of environmental justice highlights three interconnected dimensions: procedure, distribution and recognition (Walker 2011). Discussion of procedural justice is closely linked to EIA public participation. But EIA is also assumed to improve distributive justice, because the objectives of EIA are fundamentally concerned with the impact of project actions on a specific group or population (Krieg and Faber 2004; Lawrence 2000; Walker 2010). The EIA processes may also improve recognitional justice by engaging cultural minorities' voices in decision-making processes (Hanna et al. 2014; Heiner et al. 2019; Papillon and Rodon 2017). Issues of procedural justice are the primary focus of this chapter, because improving the effectiveness of participation provides both an institutional platform for promoting the substantive outcomes of distributive justice and recognition of cultural minorities' interests in the EIA processes (Gibson, Doelle, and Sinclair 2015; Sheate 2012).

Chapter 6 contributes to the understanding of the role of intermediary actors in enhancing procedural justice in the EIA processes. Intermediaries are the individuals and institutions that communicate among various actors and stakeholders to identify, negotiate and represent justice goals in local environmental practices (Dawson et al. 2018; Stovel and Shaw 2012). Decision-making processes in EIAs regularly involve Non-Governmental Organisation (NGO) intermediaries who claim or are claimed to represent the interests of local stakeholders (Fagan and Sircar 2010; Harris-Roxas and Harris 2011; Partidario and Sheate 2013). Following the completion of an EIA process, NGOs also often monitor the implementation of impact management (Hasan, Nahiduzzaman, and Aldosary 2018). Taking into account the fact that NGOs are important intermediaries in EIAs, academics are increasingly concerned with procedural justice issues regarding representation by NGOs and their engagement (Kolhoff, Driessen, and Runhaar 2018; Sheate 2012).

By examining the extent to which Indonesia's EIA, particularly its public participation provisions, supports a legitimate and accountable representation by NGOs, this chapter identifies the areas to improve access to procedural justice in EIA. Indonesia has one of the world's highest deforestation rates (Wijaya et al. 2015), and EIA is linked to forest governance through the granting of licenses for development projects (Swangjang 2018). During Indonesia's authoritarian Suharto regime, NGOs operated in support of the government rather than democratic values (Herdiansah 2016). Also, it is mandatory for NGOs to be involved in EIA commissions for the country. A case study of Indonesia's NGO sector, therefore, allows us to explore a complex reality in which the discourse of EIAs are negotiated at the intersection of discussions of politics, public participation and the controversial role of NGOs. This study argues that to be effective and legitimate, representation by NGOs in EIA processes must incorporate an accountability mechanism that is equally accessible to local stakeholders.

The overall research questions that Chapter 6 addresses are how the participation by NGOs are perceived within the Indonesian EIA process and whether that involvement actually helps achieve procedural justice goals. This chapter commences with a policy analysis of Indonesia's EIA legislation to understand the commitments to environmental justice, especially those related to procedural justice goals and outcomes, as supported by the legislation, with regard to representation by NGOs. The analysis of EIA legislation offers insights into the procedural outcomes of EIA and shows the role NGOs can play in the EIA decision-making processes. Then, this chapter discusses the viewpoints of other EIA actors on NGO representation. Interviews and focus groups were held with key EIA actors, including government officials, NGO staff, consultants and academics, along with villagers from two sites affected by resource extraction projects subjected to EIA. This work therefore identifies the strengths and weaknesses of the current system regarding NGO involvement, highlighting how and why achieving procedural justice goals can be hindered by NGO involvement.

6.2 Literature review

6.2.1 Effective participation and environmental justice

EIA is often envisaged as a tool for identifying and minimising the adverse impacts of development activities throughout the design cycle (International Association of Impact Assessment 2012). More recently, commentators have viewed EIA as an instrument for sustainability and informing decision-making (Rozema et al. 2012). However, by its procedural nature, EIA inevitably focuses on refining an ideal decision-making model rather than confronting the real-world constraints of the practice (Jay et al. 2007; Lawrence 2013). Furthermore, the incorporation of local values and interests remains a big challenge for the practice of EIA (Taylor, Bryan, and Goodrich 2004), meaning the purported goals of EIA do not necessarily lead to more environmentally or socially sensitive, and locally appropriate, outcomes.

The effectiveness of EIA is hard to define, because the extent to which specific EIA purposes integrate into local practices varies between systems and actors (Bragagnolo et al. 2017; Cashmore et al. 2010). Therefore, EIA should be considered as a tool for negotiating a politically agreed outcome, in which diverse actors interact and make compromises to secure their interests (Lawrence 2007; Owens and Cowell 2011). Environmental justice can be instrumental in advancing the effectiveness of EIA because it draws attention to possible ethical conflicts that may affect actual outcomes (Walker 2010). Consequently, this justice lens can push us to seek more just solutions rather than simply make trade-offs between social positives and environmental negatives, or vice versa.

Achieving procedural justice requires equal access for affected parties to decision-making, especially for those socially or culturally marginalised (Suiseeya and Caplow 2013). Considerable attention has been placed on developing meaningful opportunities for public

participation in EIA. Glucker et al. (2013) categorise the rationales behind participation in EIA into normative, substantive and instrumental. Normative grounds include influencing decisions, promoting the democratic capacity of participants, enabling the social learning of different viewpoints among people and empowering those least advantaged. The substantive rationale of participation is to improve decision quality (e.g. Ocampo-Melgar et al. 2019; Simpson and Basta 2018; Zhou et al. 2019). Public participation should improve decisions by informing decision-makers of socially relevant, experimental and value-based information and knowledge. Also, public involvement can provide a platform to test the robustness of the information, which is expected to lead to “better” decisions. Instrumental rationales of public participation emphasise legitimacy and conflict resolution (e.g., Bratman and Dias 2018; Udofia et al. 2017). While participation in EIA is expected to legitimise the decision-making process, it may also contribute to identifying and resolving conflicts around the decisions made.

6.2.2 Representation by intermediaries, accountability and legitimacy

Defining “meaningful” or “effective” participation, however, remains challenging due to uncertainties around power relations (Cashmore and Axelsson 2013). EIA commentators have been careful in regard to the use of participation instruments because participation alone of any particular group does not necessarily result in more sustainable or just outcomes. A formalistic or tokenistic participation, for example, may bring harm to people who are already marginalised in the decision-making arena (Cashmore and Axelsson 2013; Kolhoff et al. 2016). Evidence suggests that EIA participation instruments often fail to redistribute power in environmental decision-making (Harris-Roxas et al. 2012; Sairinen, Barrow, and Karjalainen 2010). Therefore, how stakeholders are represented in such environmental negotiations can affect the extent to which their interests are reflected in policy.

IA participation processes involve a wide range of actors. Different actors may interpret the purposes of EIA in different ways according to their role, position, personal or organisational objectives and experiences in particular social and political contexts (Lawrence 2007). At the same time, these actors may apply various strategies to influence the outcomes of, and power relations within, EIA processes (O’Faircheallaigh 2010; Zhang, Kjørnø, and Christensen 2018). Intermediaries are the governmental, private sector and civil society individuals and institutions who may act as proponents for either side of any given debate (Dawson 2018). Intermediaries play a dominant role in environmental practices through the choices they make, the interests they prioritise and mobilise, the strategies and platforms they seek to influence and the other actors they interact with and represent (Gupta 2014). The actions of intermediaries can be shaped by power relations, traditions, cultural norms and legitimate authority (Cleaver 2012). These actors do not necessarily act selflessly or consistently for the interests of local stakeholders (Collingwood 2006). Instead, they may pursue multiple economic, environmental, or social agendas, as well as prioritising their individual or organisational status/aims, network-building and tactical positioning in different forums (Brass et al. 2018). The issue of representation by intermediaries therefore raises important questions concerning public participation in EIA—not only who gets to participate and how, but also whether the involvement of intermediaries changes the effectiveness of EIA. NGO intermediaries are significant representatives for channelling stakeholders’ concerns in EIA projects. Their role in promoting procedural justice in EIA processes should therefore be further examined.

Accountability is a core concern underlying the conception of procedural justice. Essentially, accountability is about the mechanisms that authorise a representative, make them act in a way that promotes the interests of those they represent and holds them accountable for their actions (Li 2009; Sheate 2012). Accountability is often assumed to be a principle for enhancing the effectiveness of EIA (Cashmore et al. 2010; Hanna et al. 2014; Rega and

Spaziante 2013). However, little attention has been given to understanding either the role of the EIA processes in delivering accountability, or the implications of accountability for the effectiveness of EIA (Sheate 2012). Only a few articles, such as Li's (2009), have looked empirically at the accountability mechanisms in the decision-making processes of EIA.

Accountability is closely tied to the principles of democratic governance, as it is expected to provide some means for local stakeholders to voice their opinions to their representatives and compel them to act (Blair 2000). Accountability has become an increasingly important aspect of mediating land-use conflicts, and EIA, as a globally adopted governance tool, has vast potential to standardise and implement accountability mechanisms and address these issues (Sheate 2012). Research on governance has identified several accountability models (Ackerman 2004; Erkkilä 2007). The democratic model considers the political and bureaucratic accountability of decision-makers. Corporate accountability seeks to hold companies to account. Professional accountability addresses the responsibility of professionals who are involved in the governance processes (Sheate 2012), and this chapter focuses on professional accountability concerning the involvement of NGOs in EIA processes.

Legitimacy is interconnected with accountability in the framing of procedural justice. Global environmental governance is often said to lack legitimacy primarily due to its mode of top-down decision-making that runs counter to democratic accountability (Bernauer and Gampfer 2013; Biermann and Gupta 2011; Suiseeya and Caplow 2013). Moreover, scholars continue to question the effectiveness of global large-scale and technocentric strategies to environmental issues that are deeply political (Cashore 2002; Doolittle 2010; Myers et al. 2018). Justice is a core element of legitimacy (Sikor and Newell 2014), and one of the foundational notions to the constitution of legitimacy is the confirmation of recognition (Kowler 2013). As Lund (2011, 71-72) suggests that, "processes of recognition of political identity as belonging and of claims to land and other resources as property simultaneously

work to imbue the institution that provides such recognition with the legitimization and recognition of its authority to do so.” In this way legitimacy refers to “the way in which rules and outcomes are negotiated, administered and accepted by stakeholders, including a fair distribution of decision-making power” (Corbera and Schroeder 2011, 94). The process and outcomes of participation are affected by how different actors and their interests are recognised and represented in decision making (Fraser 2009). As different actors may understand recognition and representation differently, these political aspects of environmental governance can affect legitimacy of decision making, thereby a meaningful participation and the effectiveness of management strategies.

Evidence has shown that a lack of consideration of legitimacy decreases public support for environmental decisions (Gross 2007; Jijelava and Vanclay 2017). Addressing the issue of legitimacy therefore matters, because stakeholders’ perception of the legitimacy of EIA processes can trigger conflicts and affect the outcomes of EIA (Bond et al. 2018). NGOs often gain legitimacy during the processes of advocating on behalf of issues that people care about. Legitimacy granted, in turn, can affect any NGOs’ reputation and possibly fund. In the practice of EIA, NGO involvement may contribute to legitimising a decision, and these actors, therefore, should take responsibility for their actions (Goodin and Dryzek 2006; Karjalainen and Järvikoski 2010). A legitimate EIA process, as Bond et al. (2016) defined in consideration of sustainability and equity, is one which is consented to and delivers an outcome that is acceptable to all stakeholders. Organisational or institutional legitimacy can be created through regulative rules and/or the appropriateness of societal, political, or cultural norms (Cashmore and Wejs 2014). Knowledge legitimacy, on the other hand, emphasises the role of knowledge, such as its accuracy and reliability, in constructing legitimacy (Bond et al. 2018). Chapter 6 seeks to apply this conceptual understanding of legitimacy and examine representation by NGOs in local EIA practice.

6.2.3 NGO intermediaries, EIA and justice in Indonesia

Contexts of power and politics have important implications for the frameworks and practices of EIA. Unequal power relations among actors (that structure EIA frameworks and practices) can influence the accountability and legitimacy of the decisions made (Cashmore and Wejs 2014). The involvement of civil society NGOs is a common attempt to improve accountability and legitimacy in global environmental governance (Ha 2017; Hasan, Nahiduzzaman, and Aldosary 2018; Wang et al. 2020). Proponents argue that greater civil society involvement improves transparency by enabling greater access to information, the monitoring of policy implementation and by holding the government accountable for their actions (Aguilar-Støen and Hirsch 2017; Park 2010). Civil society involvement can also empower marginalised groups whose voices may otherwise not be heard (Dombrowski 2010; Stevenson and Dryzek 2012). Moreover, involving NGOs that have expertise in a specific field of knowledge may improve the capacity to address and solve environmental problems (Schroeder and Lovell 2012). Conversely, critics argue that civil society involvement may increase the costs and time of governance but the effects of public participation are unclear (Bernstein 2004). Three common concerns surrounding accountability and legitimacy are: 1) NGOs may compromise the interests of stakeholders for other agendas (Piewitt, Rodekamp, and Steffek 2010); 2) their involvement does not necessarily mean a more balanced representation of interests (Dombrowski 2010); and 3) the decisions made in which NGOs are involved are often not legitimised through democratic procedures (Mitchell 2011). Also, in many cases, NGOs are criticised as undemocratic and unaccountable to their own constituencies (Hahn and Steffek 2011). This research therefore uses a case study of Indonesia's EIA to illustrate the implications of political factors on the legitimacy and accountability of NGOs in local practices of EIA.

The environmental legislation of Indonesia has been shaped by a 32 year-long authoritarian regime, and then a democratic government since 1999 (Sulistiawati 2012). Internationally, justice movements, international aid and development interventions have also significantly influenced the country's environmental and development strategies. The policies of NGOs, EIA and Transmigration were arguably the political-economic products of the domestic and international response to Indonesia's environmental and development agendas (Muslihudin et al. 2018; Wilson 2010).

NGOs emerged as important actors of justice and environmental governance during the 'New Order' regime in Indonesia (Dauvergne 1993). Between 1966 and 1998, the country experienced rapid deforestation and increased foreign investment in its large-scale and extractive industries, such as oil and gas, mining and logging (Anggara 2017). President Suharto sought to consolidate his regime by strengthening the power of the military and police, and bureaucratising societal organisations, including NGOs (Herdiansah 2016).

At this time, the NGOs predominantly operated in support of the regime and not the concept of democracy (Wilson 2015). For example, the terms "nongovernmental organisation" or "NGO" were rarely used and often interpreted as "anti-government organisation" (Antlöv, Ibrahim, and van Tuijl 2007). In the early 1970s, in line with the authoritarian development plans carried out by the regime, NGOs were widely engaged in supporting government desired social and economic activities (Aspinall 2005).

Both international and domestic NGOs now have to register in Indonesia as one of four types of legal entity: foundation (*Yayasan*), association (*Perkumpulan*), societal organisation (*Organisasi Kemasyarakatan* or *OrMas*) or self-reliant community development institution (*Lembaga Swadaya Masyarakat* or *LSM*) (Antlöv, Ibrahim, and van Tuijl 2007). *Yayasan* is an organisation based on social, religious, educational, or humanitarian objectives. Due to loose regulations on the entity's function, many *yayasan* were historically used by the

military and politicians connected to the Suharto regime for profit-making. *Perkumpulan* are membership-based organisations with a non-profit social service objective. *OrMas* were initially non-state paramilitary groups, with a long history regarding the country's resistance against the Dutch colonial forces and subsequent independence. During the authoritarian regime, these groups carried out violent and repressive actions against the population in furtherance of the regime's objectives (Bakker 2015). Finally, *LSM* were initially organisations that functioned as development agents in a wide variety of government programs, ranging from health services to microcredit provision (Hadiwinata 2003). This study uses the term "NGOs" to refer to all these types of organisations because they are all qualified to participate in the Indonesian EIA process.

Following the democratisation of Indonesia starting in 1999, more NGOs, particularly *OrMas* and *LSM*, began to move beyond the agenda of economic development, and more political spaces were opened up for international and local NGOs to promote justice in public policy (Tsing 2005). However, political scholars remain concerned about the impact of prolonged political repression on the development of the NGO sector (Herdiansah 2016; Wilson 2015). Many *OrMas* and *LSM* are still found to straddle the line between violence-brokers, development agents and/or political alliance agents (Bakker 2019; Henley, Schouten, and Ulaen 2007; Wilson 2010). A case study of Indonesia's NGO sector thus offers a unique perspective on how such a historical transformation affects the issue of legitimacy and accountability.

Indonesia's EIA, often referred to as AMDAL (*Analisis Mengenai Dampak Lingkungan*), was introduced in 1982, primarily as a donor-driven safeguard during General Suharto's "New Order" regime. It was promulgated—in line with the country's rapid economic development—in response to the requirements of international investments and global calls for justice and sustainability (World Bank 2004). AMDAL originated from a

Canadian model and struggled to be implemented effectively under a centralised model (Asian Development Bank 2012). The World Bank and the Asian Development Bank provided financial aid for the reform of AMDAL following the country's decentralisation. Figure 6-1 shows a timeline of AMDAL against the country's political transformation.

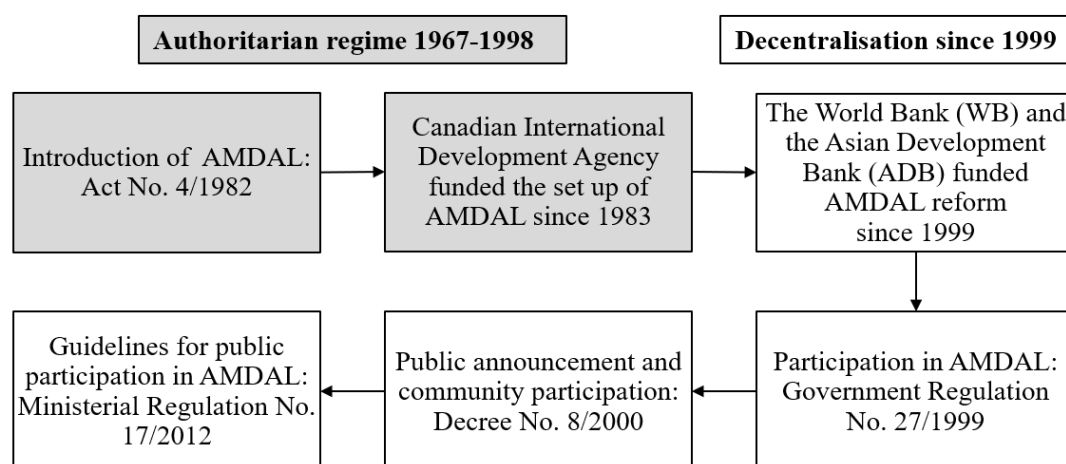


Figure 6-1 Development of AMDAL regulatory framework.

Previous research has explored the concerns of local stakeholders in the AMDAL decision-making process (Asian Development Bank 2012; Purnama 2003; Qipra 2005). For instance, environmental activists and local communities criticised AMDAL for ignoring overlying land tenure (Excell and O'Donnell 2013), the impact of deforestation (Mongabay 2018) and corruption (Muslihudin et al. 2018). Some of the major land tenure conflicts are linked to transmigration. Transmigration was a national program aiming for more balanced demographic development, alleviating poverty and extracting natural resources (Whitten 1987) through the movement of people within Indonesia. Transmigrants received a two-hectare plot of agricultural land through the program from the national government (Adhiati and Bobsien 2001). However, inadequate land-use planning and site preparation resulted in

large-scale forest conversion to agricultural land and settlements (Darmawan, Klasen, and Nuryartono 2016; Sunderlin and Resosudarmo 1999). Transmigration sites were often found to take over indigenous customary lands without the communities' consent or providing compensation (Colchester and Lohmann 1993). Critics accused the program of being the primary factor of deforestation (Jewitt et al. 2014), and a political effort of the Java-based central government to extend greater economic and political control over other regions under the guise of poverty elimination (Gietzelt 1989). The resistance of the indigenous populations resulted in violence around the country (Hedman 2008; Human Rights Watch 2001). While land-use scientists and practitioners widely agreed that transmigration had ended following the political transformation of Indonesia, the long-lasting land tenure conflicts between indigenous and transmigrant communities have remained unresolved.

Studies on AMDAL recognise the potential for NGO participation for better integration of justice into the project cycle (Sanjaya 2009). While it is mandatory to involve NGOs in the AMDAL commissions for evaluating the impacts of developments, issues of representation by NGOs remain ambiguous in practice. Taking into account the historically controversial role of NGOs in Indonesia and their broad engagement in environmental decision-making, investigating the practices of NGO intermediaries in the AMDAL process offers critical insights into the challenges of promoting justice in sustainable forest governance at the sub-national and local level.

6.3 Methodology

6.3.1 Case selection

Fieldwork for this study was carried out in the East Kalimantan province of Indonesia. While many other areas in Indonesia have passed the peak of forest conversion, it is suggested that East Kalimantan is the next hotspot of forest transition (Wijaya et al. 2015). Natural resource

exploitation, particularly of coal, palm oil and timber, dominates the economy of the province (Fünfgeld 2016). Simultaneously, the majority of the population still live in rural areas and are dependent on the use of forest resources (Obidzinski and Barr 2003). A large number of actors, including NGOs, the private sector and international aid organisations, seek to influence forest management policy while land-use conflicts related to deforestation and development activities arise.

The selection of two village case studies aims to capture the perception of representation by NGOs in formal and informal land-use negotiations. Land tenure conflicts in Village 1 involved a palm oil company, indigenous landowners and transmigrant landowners. Both the indigenous and transmigrants claimed ownership of the same piece of land that the palm oil company proposed should be cleared for plantations. Only the indigenous representatives were involved in the public consultations and the AMDAL commission of the palm oil project. The palm oil company gained consent from the indigenous representatives and received the environmental permit in the AMDAL process. The transmigrants rejected the AMDAL decisions due to their exclusion from the decision-making process. Protests and conflict resolution negotiations have been going on for over ten years, followed by judicial action. Several NGOs participated in assisting the transmigrants. Those NGOs initiated or were involved in the conflict resolution negotiations between the transmigrants and the company by acting as their representatives.

Village 2 has conflicted with mining and palm oil companies for the past 15 years. The village has been involved in the AMDAL processes for several mining and palm oil projects. The AMDAL public consultations involved landowners and some of the opinion leaders of the village (i.e. village head, customary head, village council members, etc.) In Village 2, the land-use conflicts had various causes. In one case, the villagers resisted the palm oil project because the company received the environmental license regardless of the fact that the village

representatives rejected the plan in the AMDAL commission. In other cases, the mining and palm oil activities expanded into an area that was not agreed to. There were also constant conflicts because the companies did not execute the environmental management or compensation plan as committed to. Protests and conflict negotiations were carried out for reasons such as overlaying land tenure, safety concerns of development activities, water pollution and livelihood disturbance. Several NGOs were involved in protests and also in conflict resolution negotiations with the companies as village representatives.

6.3.2 Methods

The present study used content analysis, semi-structured interview and focus group to understand the role of NGOs in promoting accountability and legitimacy in the processes of AMDAL. Content analysis is used to investigate how ideas of environmental justice and representation by NGOs are embedded in the AMDAL legislation. Laws and regulations were collated based on a review of the literature, the AMDAL project reports and documents. This list was then discussed with three heads of the AMDAL division in the provincial and district environmental agencies. Four regulations that were agreed as being the participatory framework of AMDAL are: 1) Law No. 32 of 2009 concerning environment protection and management; 2) Government Regulation No. 27 of 2012 concerning environmental permit; 3) Ministerial Regulation No. 17/2012 concerning the guidelines for the preparation of environmental documents; and 4) Ministerial Regulation No. 16/2012 concerning procedures for assessing environmental documents and issuances of environmental permits. See Table 6-1 for a description of the regulatory framework. Content analysis was conducted in NVivo 11 and used thematic coding to identify procedural justice elements in legislation (see Table 3-2). The coding criteria were developed by the equity indicator system (Zafra-Calvo et al. 2017) and tailoring the criteria according to the particular context of AMDAL and the empirical findings of my research, which detailed in Section 3.3.2 in the Research Design and Methods

(Chapter 3). The coded data was used to analyse the commitment to procedural justice and the role of NGOs, as stated in the AMDAL's objectives.

Table 6-1 The AMDAL regulatory framework for public participation.

Laws and regulation	Description
Law No. 32 of 2009 concerning environment protection and management	Environmental and social impacts should be evaluated at all the essential stages of a project cycle, including pre-construction, construction and post-construction (operations and maintenance) activities.
Government Regulation No. 27 of 2012 concerning environmental permit	The participatory mechanism of AMDAL includes public announcements, public consultation and project review commission. The AMDAL commission is responsible for evaluating impact analysis reports and providing recommendations on the issuance of the environmental permit. The AMDAL commissioners include the representatives from related government agencies, independent knowledge fields, NGOs and local communities.
Ministerial Regulation No. 17/2012 concerning the guidelines for the preparation of environmental documents	The stakeholder is defined as 1) the would-be affected people, 2) environmentalists (usually NGOs) and 3) the people who will be affected by any decision in the AMDAL process.
Ministerial Regulation No. 16/2012 concerning procedures for assessing environmental documents and issuances of environmental permits	Impact analysis and the corresponding impact management plans should consider the potential consequences for geological resources (e.g. water and soil), biological resources (e.g. flora and fauna), socioeconomic and culture (e.g. heritage and livelihood) and public health.

The provincial AMDAL commission, two district commissions and two villages were involved in data collection between February and July 2018. The names of districts, villages and NGOs consulted have been omitted for anonymity. Lists of the AMDAL commissioners, consultancies and NGOs were collected from the provincial and district environmental agencies. Twenty-three intermediaries participated in 32 interviews and seven focus groups. This includes one consultant who carried out impact analyses for development projects, six government officials from three agencies, three academics involved in the AMDAL evaluation and 13 staff in six NGOs that monitor the implementation of AMDAL. Sixteen of the 23 intermediaries were the AMDAL commissioners who were responsible for reviewing analysis reports. See Table 6-2 for anonymised intermediaries' information.

Twenty-four respondents participated in 10 interviews and four focus groups in Village 1. Twenty-nine respondents participated in 14 interviews and three focus groups in Village 2. See Table 6-3 for the information of research participants in the two villages. Village participants volunteered as individuals (or their family members) who were involved in the land-use negotiations, such as public consultations of AMDAL and/or protests.

Table 6-2 Self-description of 23 AMDAL intermediaries.

No.	Field of work	Age	Gender	Years of experience in AMDAL	AMDAL commissioner	Scale of work		
						National	Sub-national	Local
1	Academic	42	M	16-20	v		v	
2	Academic	50	M	16-20	v		v	
3	Academic	58	M	6-10	v		v	
4	Environmental consultant	56	M	16-20		v	v	v
5	Government officer	42	M	1-5	v		v	
6	Government officer	43	M	1-5	v		v	v
7	Government officer	49	F	1-5	v		v	v
8	Government officer	49	F	6-10	v		v	
9	Government officer	50	M	6-10	v		v	v
10	Government officer	67	M	1-5	v		v	v
11	NGO officer	30	F	6-10		v	v	v
12	NGO officer	37	M	1-5		v	v	v
13	NGO officer	46	M	1-5	v		v	v
14	NGO officer	50	M	6-10		v	v	v
15	NGO officer	28	F	1-5			v	v
16	NGO officer	39	M	<1			v	v
17	NGO officer	41	M	11-15			v	v
18	NGO officer	35	M	1-5	v		v	v
19	NGO officer	38	M	1-5	v		v	v
20	NGO officer	42	M	16-20	v		v	v
21	NGO officer	50	M	6-10	v		v	v
22	NGO officer	53	M	11-15	v		v	v
23	NGO officer	58	M	6-10	v		v	v

Note: “Sub-national” is a deliberate category to maintain anonymity, which could indicate either provincial level, district level or both levels. Participant numbers were sorted by alphabetical order.

All participants classified into one of these categories for anonymity:

1. Academic (including specialists in biodiversity and hydrology)
2. Environmental Consultant
3. Government Officer (including current and former senior managers and government officer of Division of AMDAL, Health and Transportation)
4. NGO officer (including officers in organisation on conservation, corruption, environmental conflicts, and transparency)

Table 6-3 Self-description of village respondents.

Village 1				Village 2			
No.	Occupation	Gender	Age	No.	Occupation	Gender	Age
1	Subsistence labour	M	30	1	Office administrator	M	31
2	Subsistence labour	M	34	2	Village officer	M	29
3	Subsistence labour	M	35	3	Primary school teacher	M	30
4	Subsistence labour	M	33	4	High school student	M	17
5	Subsistence labour	M	26	5	High school student	F	18
6	Homemaker and Head of women association	F	-	6	Housework helper	F	18
7	Homemaker and subsistence labour	F	-	7	Homemaker and subsistence labour	F	47
8	Homemaker and subsistence labour	F	-	8	Homemaker and subsistence labour	F	30
9	Homemaker and subsistence labour	F	-	9	Farmer	F	36
10	Homemaker and street trader	F	-	10	Homemaker and subsistence labour	F	36
11	Neighbourhood head and subsistence labour	M	31	11	Homemaker and street trader	F	38
12	Farmer	M	46	12	Food stall owner	F	50
13	Farmer	M	55	13	Homemaker and subsistence labour	F	50
14	Farmer	M	53	14	Village officer and farmer	M	45
15	Farmer	M	48	15	Village officer	M	32
16	Neighbourhood head and farmer	M	-	16	Homemaker and village officer	F	38
17	Farmer	M	-	17	Village head	M	45

Village 1				Village 2			
No.	Occupation	Gender	Age	No.	Occupation	Gender	Age
18	Neighbourhood head and farmer	M	49	18	Farmer	M	-
19	Farmer	M	58	19	Village officer	M	34
20	Sub-neighbourhood head and farmer	M	34	20	Village officer	M	36
21	Village head	M	-	21	Head of fisher association and fisher	M	58
22	Village officer	M	55	22	Former head of fisher association and fisher	M	-
23	Farmer	M	49	23	Palm oil smallholder	M	38
24	Palm oil cooperative staff	M	63	24	Head of palm oil cooperative	M	48
				25	Former village head	M	44
				26	Head of village council	M	48
				27	Customary chief	M	73
				28	Unemployed and protestor	M	24
				29	Village officer	M	44

The interviews with the intermediaries consisted of three sets of open-ended questions. The first set of questions explored the intermediaries' experiences of participating in the AMDAL process. Secondly, the interviews investigated the interviewees' perceptions of NGO participation in land-use negotiations, including their interactions with NGOs in land-use negotiations, the role of NGOs, and the influence of NGOs on the processes and outcomes. The final set of questions examined their perceptions of representation by NGOs. The respondents

discussed the sources of legitimacy for NGO representatives, the interests NGOs are representing, and in what ways NGOs are accountable for their actions. Interviews with villagers focused on their experiences of land-use conflicts and their interaction with NGOs (the second and the third set of questions). The first set of questions was excluded because many villagers did not participate directly in the AMDAL process, only the post-AMDAL conflict resolution negotiations.

Focus groups with the intermediaries followed the same sets of questions. A group setting was used when the conversations took place at work, and those intermediaries shared the same workplace. While the intermediaries were more comfortable with one-to-one encounters with strangers due to the nature of their work, the villagers preferred to communicate in a group. The focus groups at first focused on the villagers' livelihood and everyday concerns. For the topic of livelihood, the questions included their source of income, the impact of development projects on their livelihood and their knowledge about the operation of those development projects in their villages. The topic of everyday concerns intended to capture the villagers' interests regarding land use. The set questions included their daily spending, their relationship to their community and village infrastructure. The villagers also initiated various topics such as employment, education and corruption.

Interviews and focus groups were audio-recorded after explaining the research objective and obtaining informed consent. The respondents were reminded that the session was being recorded, and their permission was reconfirmed when the conversation involved sensitive topics. Supplementary data includes official and personal documents provided by the respondents, such as videos, photos, police reports and maps. Data was transcribed and analysed through thematic coding, which included governance scales, interaction settings and procedural justice (see Table 6-4). The governance scales aimed to capture how NGOs mobilise across levels. The interaction settings illustrate their role and influence in formal and

informal settings. The procedural justice theme explores the priorities and agendas in environmental negotiations, and the issues of accountability and legitimacy.

Table 6-4 Coding criteria for interviews and focus groups.

Parent code	Elements to be identified in the data collected from interviews and focus groups
Governance scale	International; National; Sub-national; Village
Interaction setting	Formal; Informal
Justice dimensions	Distributive justice: impacts of project actions Recognitional justice: cultural minorities' voices in decision-making Procedural justice: representation, accountability and legitimacy
Procedural justice/representation	Representation of whom Interests that are prioritised and mobilised Strategies and platforms the actors seek to influence Interactions with other actors
Procedural justice/accountability	Authorisation of representative Strategies to promote the interests of those they represent Ways to hold one accountable
Procedural justice/legitimacy	Who are the representatives? How are they selected (organisational legitimacy or knowledge legitimacy) What is the outcome of representation? How are stakeholders affected by the result of representation?

6.4 Results

6.4.1 Analysis of the regulatory context of AMDAL

Justice was indicated as one of the objectives of environmental protection and management, in order “to guarantee justice (fairness) for the sake of the present and future generations”, as stated in Article 3f of Law No. 32/2009. Figure 6-2 shows the percentages of ideas of distributive, recognitional and procedural justice coded in four AMDAL regulations.

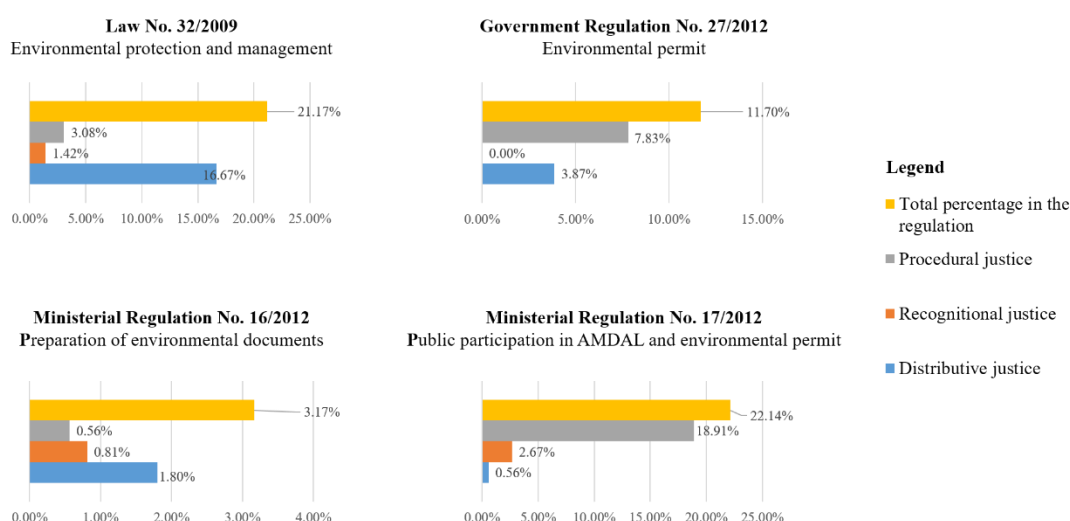


Figure 6-2 Percentage of justice-related commitments coded in four AMDAL regulations.

Principles of distributive justice were prominently observed in the regulations. The Law No. 32/2009 stated the objective of environmental management on seeking a balance between environmental capacity and development — concerns including safety, quality of life, welfare and justice. Environment protection and management should also consider the “b. population distribution; c. potential distribution of natural resources;” as stated in Article 6(2). Moreover, the Government Regulation No. 27/2012 detailed the distributional-related

responsibilities of the stakeholders, including environmental exploitation, protection, recovery and monitoring in the cycle of AMDAL project. The scale of environmental protection should consider the impacts ranging from individually to globally, as detailed in Article 3g:

to ensure the compliance with and the protection of rights to environment as part of human rights; [...] j. to anticipate any of global issues on environment.

Ideas of recognitional justice were least discernible in the regulations analysed. The Law No. 32/2009 documented the ideas of recognitional justice primarily; such information was restated in the Ministerial Regulation No. 16/2012 and No. 17/2012 but no clarifications provided. The present and future generation, living creatures and the whole ecosystems should be considered as the subjects of justice. Human as a subject covered both individuals and communities. The Law No. 32/2009 indicated the responsibilities of project proponents and the government to incorporate cultural recognition in the preparation of the AMDAL analysis, as stated in Article 27,

t. to make policies on the procedures of recognition of the customs of indigenous people, local wisdom, and indigenous rights in regard of the protection and management of environment;

Calls for respect for local knowledge, indigenous customs, social, economic and cultural features in the area of activity were also identified in the Law No. 32/2009. The regulation also noted the needs of environmental education and encouraged the use of media and language based on local cultural context. However, the regulation lacks information on the identification mechanisms of the subjects of justice, environmental harms and the support system of empowering the subjects of justice.

Descriptions concerning procedural justice (or participation) were identified in all four regulations and detailed in Ministerial Regulation No. 17/2012. Affected individuals, communities and organisations were the subjects of participation in AMDAL, where participation should be performed through “a. business and/or activity plan announcement; and b. public consultation” as in Article 9(2). The representative mechanism is described as such in Article 45(4):

The suggestions, opinions and responses as specified in paragraph (3) may be delivered through the affected people’s representative and/or community organisation being the member of the AMDAL Review Commission.

Government Regulation No. 27/2012 gave NGO representatives the authority to be involved in the AMDAL commission. Several terms, including “environmental organisation”, “community organisation” and “environmentalist” were used to describe the organisations involved in the AMDAL process. The varying definition (if any) and identification of these organisations were not given. The objective of involving NGOs in the commission and their representation was also not mentioned. The selection criteria for NGOs as the AMDAL commission members was not detailed but briefly stated as “13. environmental organisation;” in Article 56(3b). In contrast, the representatives of government agencies were given in considerably more detail in the same Article 56(3b):

1. agency which organises government’s affair in spatial area; 2. agency [...] in provincial environmental protection and management; 3. agency [...] in provincial investment; 4. agency [...] in provincial land; 5. agency [...] in provincial defense; 6. agency [...] in provincial health area; 7. central and/or regional agency in the respective business and/or activity area; 8. representative of central, provincial, and/or regional agencies in government’s affair related to business and/or activity impact; 9. the respective regional/city government representative;

Government Regulation No. 27/2012 granted rights to NGOs to provide feedback on the environmental and social implications of the AMDAL projects. NGOs can also monitor the activities that may disrupt the environment beyond the AMDAL process, and provide feedback, conduct protests and file lawsuits against those activities. The legislation, however, did not regulate the responsibilities of the government and project proponents in their response to the NGOs' intervention actions with regard to the licensing and implementation of the project.

The accountability of NGOs for participation in the AMDAL process and environmental monitoring was not indicated. Government Regulation No. 27/2012 detailed the responsibilities of project proponents and the government for fund allocation, public education, pollution prevention facilities and penalties. Conversely, the legislation did not address the possible violation of laws by NGOs on environmental management. Consequently, there is no identifiable information on the liabilities of NGOs, the subjects for which NGOs are accountable, and which authority was responsible for monitoring the activities of NGOs on environmental management. The responsibility of NGOs in terms of participation and representation are ambiguous in the AMDAL legislation, particularly in comparison to the detail given to other equally important aspects of the legislation. Lack of any criteria for representation raises questions for the legitimacy and accountability of NGOs in representing environmental and social causes in the AMDAL decision-making process.

6.4.2 Representation by NGOs as perceived by AMDAL intermediaries

Institutional and knowledge legitimacy

The terms "organisation", "LSM", "OrMas", and "forum" were interchangeably used by the interviewees during the discussions. This chapter has replaced these terms with NGO(s) when

the conversations referred to a general context or the type of organisation was unknown, however the specific terms are used when the interviewees indicated a specific organisation.

NGO intermediaries commonly justified their representation of local interests through legislation. As an NGO staff who worked on land-use conflicts said:

Look, why are NGOs involved [in AMDAL]? Because the laws regulated it [...] The process must involve communities and NGOs. It is not what I asked for, but the inclusion of NGOs represents the aspiration of the community.

NGO intermediaries were concerned about the NGOs' legal mandate in the participation procedures. A founder of an NGO explained the motivation for setting up an NGO:

We wanted to deliver the voice of people. If we did not register as a legal [entity], the company and the government would not listen to us.

Institutional legitimacy of participation allowed NGOs to access previously excluded political space and power. NGO respondents commonly situated themselves as authorised actors in negotiation platforms. As one NGO representative in the AMDAL commission said:

Not everyone can participate. You can only participate in the AMDAL commission and public consultation by official invitation.

NGOs' affiliation with traditional institutional actors contributed to shaping the role of NGOs serving as a government alliance. As a staff of an environmental NGO explained:

Only the NGOs that cooperate with the government can participate in AMDAL. You need the support of the government to be involved in AMDAL:

Another NGO interviewee said that the participation of NGOs should represent the

development-oriented objectives of national policies:

[The purpose of] AMDAL is to find a balance between economic development and environmental protection [...] Not all NGOs understand that. The priority is “development”.

In contrast to the NGOs’ perception of legitimacy, the other AMDAL commissioners evaluated legitimacy through the capabilities of NGOs. The interviewees commonly agreed that NGOs had difficulty accessing financial and social resources. As an example, eight of thirteen NGO respondents worked voluntarily and sponsored themselves through other sources of income. A former AMDAL division head demonstrated:

They are struggling to survive. There is no way they can improve themselves.

A staff from an environmental NGO described the limited development of the NGO sector in the district and its impact on the practice of AMDAL:

Our NGO joined the AMDAL [commission] soon after it was set up. There were no environmental NGOs [in the district]. Ours was one of the first. In fact, there were few NGOs registered until now.

The limited capabilities of NGOs had led to doubts about legitimacy, as perceived by the other commission members. As an academic, who involved in the AMDAL commission as a hydrology expert, pointed out:

NGOs that are involved in AMDAL should be familiar with the [specific project’s] industry and location. Some regions simply lack an NGO that could fulfil those requirements.

Another AMDAL commissioner and academic questioned the recruitment criteria for NGO inclusion in AMDAL:

Some NGOs are critical on environmental issues [...], but those have never been recruited into the commission [...] Some NGOs in AMDAL share the interests of the company. They participate in supporting the project.

Although the other commissioners were sceptical of the legitimacy of NGOs, the participation of NGOs serves as a requisite to the implementation of AMDAL. Loose standards of recruitment were applied by the government environmental agencies to fulfil these legal commitments of participation. A government officer commented:

There are only a few NGOs registered in my district and qualified to participate in the commission. We invite them by turns.

Accountability of NGOs in the AMDAL process

Interviews with NGOs revealed that the local interests, which NGOs claimed to represent, were sometimes inconsistent with the NGOs' actions. In the discussion on representation, an NGO founder described his NGO's agenda as accommodating the interests of local communities in institutional decision-making platforms:

Sometimes we approach the people, sometimes the people approach us [...] We bring the community's voice to the government and company.

Following that comment, an NGO staff was invited to talk about any community activity undertaken by his NGO. After repeated questioning, the interviewee confirmed that participation in AMDAL was the only activity of the NGO, with no apparent, tracked impact or actions from that participation. The interviews with the other NGO commissioners led to similar outcomes. Although the interviews with those NGOs who acted as the AMDAL commissioners advocated for their representation of local interests, four out of five NGOs that were involved in the AMDAL commissions failed to show evidence of community engagement activities. Two NGOs were admitted being operated solely to participate in AMDAL.

The accountability of NGOs was a significant concern for the other AMDAL commissioners and consultants. Some perceived that NGOs did not represent the social or environmental interest of the local community, but rather existed to seek profit. As an hydrology expert involved in the AMDAL evaluation commented:

Sometimes NGOs came to the meeting and made a fuss. The companies often prepared some peace-making money for them.

A former division head of AMDAL described how NGOs pursued personal agendas through participation:

An NGO [representative] asked about my concern for a project. Later on, this person blackmailed the company with the information I gave [...] [NGOs] prioritise profit over conservation.

An AMDAL consultant perceived that some NGOs took advantage of their participation:

Those NGOs only wanted money. Sometimes they were so eager to participate [in the commission], the environmental agency had to reject them again and again.

The same consultant also shared his experiences of corruption on the part of some NGOs commissioners (this was understood to imply bribery, partly based on the context of the discussion, and partly based on the general fact that the AMDAL commissions in these case studies often provided necessary allowance, such as transportation and accommodation, to support NGOs to attend meetings):

NGO participation is mandatory. Sometimes we invited them to attend public consultations or commission meetings, but they refused to come. [...] We asked for the reason, it was always [showing the gesture resembling money].

A government official from the transportation agency confirmed:

Companies usually pay attention to particular NGOs that act aggressively in the meeting.

If the NGOs reject the project, everyone knows it is to ask for bribery.

The legitimacy of NGOs in institutional decision-making is often authorised through legislation. The data presented here demonstrates a complex reality of forest governance, where sub-national governments are struggling to implement the objectives of national policies with limited human and technical resources. Local governments seek to fulfil the legal standards put upon them. In turn, the participation of NGOs becomes formalistic, which compromises their accountability. Furthermore, NGO representatives make use of institutional legitimacy to pursue their personal or organisational agendas, which results in the exacerbation of procedural injustice in AMDAL.

6.4.3 Representation by NGOs in village land-use conflicts

Legitimacy in informal settings

This section illustrates villagers' experiences of participating in the AMDAL process and the subsequent conflict negotiations. Those experiences contribute to developing an understanding of the grounds for the legitimacy of NGOs in representing local interests. The villagers commonly perceived participation in AMDAL as a formality to legalise development projects. An office worker in Village 2 described his experience participating in the consultations and AMDAL commissions of several palm oil and mining projects:

The AMDAL meeting was just "sweet talk". People talked about the vision that would never be achieved. It was to get the license.

He was also frustrated by the outcome of licensing on a palm oil project, which did not take into account the villagers' objections in the AMDAL meeting:

I rejected the proposal and pointed out false information on the document. The AMDAL head instructed the company to revise the document and organise consultation in our village [...], but we were never invited to the [AMDAL] meetings anymore, and neither did the company organise a consultation in the village.

AMDAL was perceived to function as a political tool to marginalise the villagers, who are already in a disadvantaged position when negotiating land-use issues. In Village 1, where the profit sharing of palm oil partnership scheme (Plasma) was in disagreement, the village head said:

When we confronted the company, they showed a thick AMDAL report and the [environmental] permit. What we cared about was their commitment to the village and the impact of the activity, not to see some papers.

The villagers also highlighted their concerns regarding corruption. A transmigrant in Village 1 detailed his attempts to seek land compensation in a corrupt system:

No one supported us, neither from the village office, subdistrict office, police, or military [...] They were all corrupted. They are on the side of the company [...] These people oppressed our voice.

A farmer in Village 2 described the villagers' experiences of suppression concerning land tenure conflicts with a palm oil company:

Some police came to negotiate on behalf of the company. They asked us not to make trouble and accept the deal. They spoke nicely. But you would be scared if some police randomly came to your door. Of course, the villagers agreed about whatever it was.

Struggling to be heard by the powerholders (i.e. the village head, subdistrict head, the AMDAL authority, police, or military), the villagers sought to voice their demands through protest. As the customary chief and protest leader of Village 2 commented:

A demonstration is the last option we have left. Other ways of voicing our opinions have failed.

As a result of the unsuccessful resolution of conflicts in institutional settings, the villagers sought support from NGOs to voice their demands. As a fisher in Village 2 described the collaboration between the fishing group and an NGO:

We did not receive any response from the village office. That was why we asked for help from people outside the village.

Accountability of NGOs in the eyes of the villagers

NGO intermediaries obtain legitimacy as representatives of local interests because of the locals' experiences of corruption, political suppression and inadequate influence over the processes and outcomes of land-use decision-making. However, many villagers were disappointed with the results of collaborating with NGOs in resistance actions. Many villagers perceived that NGOs pursued their own agendas instead of representing the villagers' interests, as the head of a neighbourhood in Village 1 argued:

The OrMas initiated the protest, contacted the media. They wore their uniforms and asked the villagers to wear those uniforms.

A farmer said that several NGOs offered to negotiate land compensation on behalf of the villagers:

An OrMas approached us and asked for tokens to intervene in the negotiations with the company [...] They protested [on behalf of the villagers]. However, they left after the company gave them money. After some time, another OrMas or LSM came using the same tactic, and then another. We had enough of them.

The head of a Plasma cooperative in Village 2 talked about the strategy of some NGOs

in seeking profit from land conflicts:

Those organisations initiated protests, stood on the frontier. If the villagers got [land] compensation, they wanted a share of it.

The villagers also identified several ways in which NGOs could benefit from development projects. A village office worker described the hidden cost of getting jobs, due to some NGOs intervention in recruitment:

Some organisations offered services to the palm oil company. The company informs them when there are vacancies. Then the forums inform the villagers. You often need to pay tokens to get the job. If you tried to apply to the company individually, those forums would make trouble.

The head of a plasma cooperative discussed how several NGOs acted as land brokers and sought to profit from land competition between companies:

Some OrMas or LSM seek to influence the villagers [...] to withdraw from one land deal to another. [...] If they managed to change the villager's mind, the company would pay them.

Some NGOs serve as a "peacemaker" in land conflicts. As a farmer said about land tenure issues in Village 2:

Whenever it looked like we [the villagers] were at a disadvantage on land negotiations, they [NGOs] offered to mediate by asking for some peace-making money.

The head of the plasma cooperative perceived that some NGOs made use of their legitimacy as local representatives to pursue other interests:

Those NGOs only cared for their advancement [...] They use local people as their shields, made letters with local people to prove [to the company] that they were appointed to handle

the conflict. However, it was just for their agenda. Their position looked strong as if local people supported them.

When the villagers questioned representation by NGOs, they also have no means to hold NGOs accountable. As a protester in Village 1 commented:

The OrMas asked us to take palm fruits from the company [plantation] to express our dissent. We did that, but some were arrested for theft [...] The OrMas just disappeared after the incident.

A transmigrant farmer in Village 1 described the cost of protest on his livelihood:

After collaborating with those OrMas [...], we were asked to protest all the time. We did not have time to work and feed our family.

A stay-at-home mother described the impact of protests on the villagers, which NGOs were not accountable for:

The military often patrolled in the village after the protests. I felt unsafe [...] Some protesters lost their jobs in the plantation. The company also refused to hire people from our neighbourhood.

Legitimacy and accountability are two essential elements of representation. Instead of *who* represented local interests, the villagers were more concerned about the outcome of representation. Notably, whether local perspectives and preferences were represented and whether the representative was accountable for the outcome. Although the villagers legitimise NGOs as representatives, the villagers had no means to hold the representative to account. The findings also showed that legitimacy can be revoked when the ones represented perceive a lack of accountability.

6.5 Discussions

Studies of environmental governance and justice have explored how intermediary actors shape the processes and outcomes of decision-making across various governance levels, and through various organisational and individual resources and strategies (Dawson 2018; Fagan and Sircar 2010; Gupta 2014). These actors do not always work consistently for the interests of local stakeholders and may pursue other individual or organisational agendas (Brass et al. 2018; Cashmore and Axelsson 2013; Zhang, Kjørnøy, and Christensen 2018). These studies were linked with the role of legitimacy and accountability in creating effective participation in EIAs, which is a topic still underdeveloped in the EIA literature (Morgan 2012; Sheate 2012).

This chapter investigated both the regulative perspective and the perceptions of NGOs, their peers, and the local villagers whose interests NGOs claimed to represent. These perspectives helped to identify and compare conceptions of legitimacy as perceived by different actors (Bond et al. 2018; Jijelava and Vanclay 2017). The results show that the perception of being “legitimate” is crucial for the interviewees in defining a meaningful participation in AMDAL. An absence of consent on the decisions being “just” and “acceptable” affected the perception of legitimacy (Bond et al. 2016). Disagreements about what constitutes legitimacy also affected the effectiveness of participation as perceived by the interviewees (Bragagnolo et al. 2017; Cashmore et al. 2010). Moreover, it created conflicts among the stakeholders (Bratman and Dias 2018; Udofia et al. 2017) and undermined the implementation of the AMDAL outcomes (Lawrence 2013; Rozema et al. 2012).

A focus on legitimacy helped this study to investigate how intermediaries were authorised to act (Arnesen and Peters 2018). Institutionally, the legitimacy of NGOs was granted by regulative rules (Cashmore and Wejs 2014). NGOs were also concerned for their institutional legitimacy as representatives. They actively shaped their organisational agenda in compliance with the objectives of AMDAL policies. A top-down decision-making culture in

the sub-national government further consolidates the influence of regulative rules in creating legitimacy (Bernauer and Gampfer 2013; Biermann and Gupta 2011; Suiseeya and Caplow 2013). For example, the other AMDAL commissioners and consultants doubted the legitimacy of NGOs but did not seek to challenge the government's decisions on the NGO commissioners. Additionally, the sub-national government, which struggled to access human resources, sought to fulfil the legal requirement of involving NGOs in the AMDAL commission by applying loose standards of recruitment for NGOs, instead of seeking to influence such policy upwards. This chapter demonstrates that legitimacy granted by regulative rules alone is inadequate to secure full representation of local stakeholders, and therefore the legitimate participation of NGOs in AMDAL practice (Ocampo-Melgar, Sagaris, and Gironás 2019; Simpson and Basta 2018; Taylor, Bryan, and Goodrich 2004; Zhou et al. 2019). However, the data collected did not explicitly show a correlation between such decisions of various AMDAL practitioners and power relations in the AMDAL decision-making process, as suggested by Cashmore and Axelsson (2013), Harris-Roxas et al. (2012), Lawrence (2013) and O'Faircheallaigh (2010). Further studies are required to explore the "passive" dissatisfaction of the practitioners of AMDAL, or EIAs in general, and its implications for effective and just participation.

Institutional legitimacy created through top-down national policies, coupled with the weak capacity of sub-national government, is likely to undermine achieving just decisions in EIAs, because the NGO intermediaries and other relevant actors were perceived to take advantage of those political constraints to pursue their own agendas. Participation, without considering political factors and power, brought harm to marginalised groups in EIA decision-making (Bond et al. 2018; Cashmore and Axelsson 2013; Kolhoff, Driessen, and Runhaar 2018; Zhang, Kørnø, and Christensen 2018). The sub-national government officers' experiences in this case study could improve the effectiveness of EIAs by empowering local governments. A considerable number of studies have emphasised the importance of empowering local stakeholders and strategies to achieve this aim (Glucker et al. 2013), in order

to improve the decision quality of EIA (Ocampo-Melgar et al. 2019; Simpson and Basta 2018; Zhou et al. 2019). More scholarly attention is required to identify the supports that are needed for the institutional (intermediary) actors to effectively fulfil their responsibilities in EIA practices.

Results from this study indicate that there is extreme variability in how NGOs act, ranging from NGO that truly seek to represent the people concerned and seek proper EIA outcomes, through to NGO that seem to be acting only for their self-interests. Ongoing limited access to political and social resources has been found to hinder the discussion of justice concerns in land-use conflicts (Walker 2010). This structural injustice in the distribution of resources has harmed the legitimacy and accountability of decision-making in EIAs. The findings show that local villagers authorised NGOs as their representatives partly because they struggled to be heard by more powerful actors in the decision-making arena (Bratman and Dias 2018; Kolhoff, Driessen, and Runhaar 2018; Udofia, Noble, and Poelzer 2017). However, it was also because they had limited options for whom they could authorise. That said, whether or not a representative is authorised is not the sole indicator of legitimacy. Another indicator is how they are selected, as shown by Arnesen and Peters (2018). More studies are needed to address the structural injustice underlying the formation of legitimacy, and how EIA participatory mechanisms assess the legitimacy of representatives.

In order to understand why NGOs (were perceived to) follow specific economic and development agendas in the AMDAL process in Indonesia, this study examined the factors that influence NGOs' perception of representation in a broader social and political context (Bragagnolo et al. 2017; Cashmore et al. 2010; Cleaver 2012; Lawrence 2007; Owens and Cowell 2011). Review of the historical role of NGOs in Indonesia (Bakker 2019; Henley, Schouten, and Ulaen 2007; Herdiansah 2016; Wilson 2015) provides critical insights into the structural challenges facing the representation by NGO intermediaries in AMDAL, including

historical prejudice towards NGOs, effects of long-lasting political suppression and limited access to technical and financial resources. That said, addressing the procedural justice concerns of the stakeholders needs to look not at a single project but the whole political and economic context that shapes perceptions of legitimacy and accountability. In addition, (perceptions of) the function of NGOs as government alliances and development agents brings into question whether other worldviews and interests regarding land-use (recognition justice) were equally recognised and represented through NGO representatives in an EIA process. The incorporation of an accountability mechanism is, therefore, urgently needed for enhancing the effectiveness of EIA (Cashmore et al. 2010; Hanna et al. 2014; Rega and Spaziente 2013). While providing exhaustive insights on the conceptualisation and establishment of such mechanisms is beyond the scope of this chapter and thesis, these empirical findings uncovered some challenges that should be addressed for advancing accountability of EIA policy and practice.

Accountability mechanisms should consider the ways of authorising a representative, ensuring they act in congruence with the interest of those they represent and holding them to account (Blair 2000; Li 2009; Sheate 2012). Some NGOs are portrayed as self-seeking or illegitimate (Bratman and Dias 2018; Udofia et al. 2017) partly because the screening of AMDAL commissioner nominees lacks transparency. This screening process does not involve AMDAL project-affected communities and companies in this case, and these stakeholders are not provided information on the NGOs that are claimed to represent local interest. Besides, these affected parties do not have institutional means to provide feedback on such representation. This chapter suggests that incorporating a democratic screening system of the EIA committee is instrumental in increasing the accountability of EIA decision-making. While such systematic change of the EIA policy may take considerable time, some useful measures within an existing EIA model include providing tracked information of the commissioners in the impact analysis report and encouraging feedback on the representativeness in public

consultations and EIA review meetings.

These findings also revealed that providing institutional means for evaluating the representativeness alone is inadequate to address the accountability issues in the EIA practice. In this case, the local communities cannot hold NGOs to account partially due to a lack of capabilities to equally participate in the AMDAL decision-making (Glucker et al. 2013). These stakeholders often have limited access to political spaces for voicing their demands, lack knowledge of their participation rights and lack information about the potential consequences of the decisions made (e.g., the unexpected cost of resistance actions to the villagers' social life). An accountability mechanism, therefore, may provide indicators for capability development of those socially marginalised stakeholders (Ocampo-Melgar, Sagaris, and Gironás 2019; Simpson and Basta 2018; Zhou et al. 2019), which may subsequently help the representatives to act for these stakeholders' interests. Such limited capabilities of local communities should be considered alongside the social resources held by NGOs.

The interviews result shows that the villagers collaborated with NGOs primarily in attempt to access to the resources such as NGO's relationship with media, negotiation skills and knowledge of constitutional or regulative rules. These findings have two implications for accountability. Firstly, the result illustrates some empowerment resources needed by local stakeholders. Secondly, it implies an unbalanced power relationship between local stakeholders and the intermediaries (Lawrence 2007; Owens and Cowell 2011), which has hindered local stakeholders from negotiating their interests to the intermediaries equally. Addressing unequal power relationship around the EIA decision-making (Cashmore and Axelsson 2013; Harris-Roxas et al. 2012; Kolhoff et al. 2016; Sairinen, Barrow, and Karjalainen 2010) will, therefore, offer valuable insights to further the understanding of accountability issues and its implications on achieving procedural just and sustainable EIA policy and practices.

6.6 Conclusions

The main research question addressed in this study is whether NGO involved in the EIA process are perceived to be legitimate and accountable by the various actors involved, and further how the results influence achieving procedural justice. This chapter examined the components of the EIA legislation in Indonesia and the implications of the regulative principles of procedural justice in the eyes of the NGO intermediaries, the EIA commissioners, consultants and local stakeholders.

Through analysing EIA legislation, it was found that NGOs were authorised to represent local interests, but there was a lack of clarification and consistency regards their influence and accountability concerning their participation in the EIA process. Empirical evidence further revealed the connection between representation, legitimacy and accountability in shaping the perception of procedural justice concerning intermediary actors. These key connections were: 1) regulative rules alone did not establish legitimacy, and enhancing legitimacy needs to consider the priorities of different actors; 2) whether NGO representatives are legitimate and accountable affected the perception of the EIA commissioners and local stakeholders on meaningful participation; and 3) a lack of legitimacy and accountability led to the perception of “unjust” participation in EIA.

These findings imply that incorporating procedural justice needs to address the concerns of legitimacy and accountability perceived by the actors involved in the processes of EIA. Practically, this chapter suggests incorporating an accountability mechanism in the EIA policies and practices, and creating political spaces for negotiating the principles underpinning legitimacy among the policy makers, the intermediaries and the stakeholders. These strategies may enhance the legitimacy of representatives in EIA decision-making settings. Furthermore, it is necessary for clarifying the roles and responsibilities of the intermediaries, which may help identify the support needed by both the representatives and the practitioners in EIA.

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7 Conclusions

7.1 Overview of key findings

Over the past 30 years, scholars, policy managers and practitioners have sought to address land-use conflicts between conservation and development goals in the context of forests, yet claims of injustice by local communities affected persist. Contemporary framing of environmental justice consist of three dimensions: distributive justice (equal distribution of environmental benefits and harms), procedural justice (public participation of environmental decision-making) and recognitional justice (recognition of diverse identities and knowledge systems in environmental management). Using this multidimensional EJ framing, this thesis examines the barriers to achieving just forest governance by exploring how justice is conceptualised in Indonesia's EIA policy, how it is perceived by the communities affected by the EIA practices, and by the intermediary actors of the EIA process. This section reviews my empirical findings, followed by a discussion of how they contribute to understanding the "justice gap" in global forest governance. I then draw on those lessons and discuss the implications for policy and methodologies. This thesis is concluded with some suggestions of future research directions.

In previous chapters, I answer three research questions:

1. What are the perceptions of culturally marginalised groups with regards to recognitional justice and the public consultation of EIA?
2. What are the intermediaries' perspectives and prioritisations of environmental justice and relevant norm mobilisation in the technical evaluation of EIA?
3. How does the involvement of intermediaries influence the incorporation of environmental justice goals in the impact management evaluation of EIA?

In Chapter 4 I focus on the village level, presenting the plural experiences of justice of transmigrants and their community in relation to the governance practices of two land-use

policies in Indonesia, i.e. transmigration and EIA. Chapter 4 begins by connecting the underexplored aspect of recognitional justice within the EJ literature (Daigle 2016; Martin et al. 2016; Tomich, Thomas, and van Noordwijk 2004; Whyte 2011) to the geographical literature of place identity (Eckenwiler 2018; Escobar 2001; Massey and Massey 2005; Soja 2013; Young 2010). Using semi-structured interviews and focus groups, I identify the formation of transmigrant's social identity and the community's recognitional justice concerns in relation to space, and how such place-based identity affects the interactions between the villagers interviewed. I then demonstrate how a lack of recognition of transmigrants' identity and community resulted in the denial of transmigrants' land rights, unequal distribution of social resources and limited access to land-use decision-making platforms. These intertwined experiences of justice expose the structural flaw of the forest governance system that has failed to account for the pluralised justice concerns of various social groups.

Chapter 5 focuses on the policy implementation of EIA at the sub-national level. It presents how the perceptions and prioritisations of justice-related norms (ideas of justice about the way things should be and ought to be) by the EIA intermediaries can affect the pursuit of just governance practices in its technical review process. Chapter 5 links issues of EJ to critical institutionalism literature (Blundo 2015; Bratman 2014; Cleaver 2012; Dawson 2018; de Sardan 2015). In particular, I examine the role of intermediary actors in negotiating justice-related norms and the power relationships underlying those interactions between intermediaries, which consequently shape the everyday forest governance arrangement. The first part of my findings demonstrates that distributional- and procedural-related concerns were crucial in the conceptualisation of justice by the intermediaries consulted. These intermediaries nevertheless had little or no engagement with any recognitional issues. I further reveal that social and cultural background, i.e. the patriarchal norm and authoritative work culture, and the availability of various resources, have affected the ways the intermediaries interpreted and reacted to the existing and emerging values in the EIA policy practices. Based on these

findings I argue that the perceptions and actions of intermediaries are critical to either preserving or reducing the unequal power relationships around gender, indigeneity and property rights, and thereby the realisation of just forest governance at the sub-national level.

Chapter 6 addresses the representational participatory mechanisms of Indonesia's EIA at multiple governance levels. I explore the role of NGO intermediaries in establishing procedural justice grounds for meaningful participation in Indonesia's EIA. This chapter focuses on the discussion of procedural justice because participatory mechanisms are the common gateways for negotiating plural justice concerns in forest governance, and are also a primary concern in literature on EIA effectiveness (Bernauer and Gampfer 2013; Bernstein 2004; Bond et al. 2018). At the policy level, I conduct a content analysis of Indonesia's EIA legislation. I explore how distributive justice has guided the conceptualisation of justice in the regulatory framework, while recognitional justice concerns are almost absent, consistent with the findings in Chapter 4 and 5. Moreover, the lack of any criteria on representation by NGO intermediaries also raises questions about the legitimacy and accountability of NGOs in representing local interests in participatory procedures. At the sub-national level and village level, I interviewed EIA intermediaries and local villagers who were involved in public consultations and EIA commissions. My findings demonstrate different interpretations and expectations with regards the notions of justice that NGOs used (distribution-related) and that the communities wanted (recognition- and representation-related), which could compromise NGOs' legitimacy in the eyes of the community members. Perceptions of legitimacy and accountability also link to the historical and political role of NGOs in Indonesia. I, therefore, highlight the importance of reviewing the current forest governance system in line with local demands for justice. Paying attention to the accountability and legitimacy of state and non-state intermediaries is vital for achieving environmental justice goals in forest governance policy and practices.

Altogether, these findings present a more comprehensive picture of EJ conflicts in the multi-level governance practices of Indonesian EIA. The findings explain the constructions of misrecognition and other associated unjust experiences, thereby justice claims, linked to the geographical dimensions of the migrants' lives. The migrants' experiences of justice should be considered with the findings at the sub-national level and the policy level. At the sub-national level, the intermediaries interviewed are less concerned with the issues related to recognitional justice, and this has revealed the inconsistency between what local villagers demand and what intermediaries represent in the development negotiations. Moreover, the intermediaries are constrained geographically to interact with any communities, thereby improving their understanding of any communities' concerns, due to technical and political resources available. Lack of resources hinders the upward mobilisation of justice concerns in the EIA practices, and the concerns that are actually mobilised, if any, may not truly represent the interests of local stakeholders.

The questions around representation, legitimacy and accountability are then being discussed. Although NGOs interact with both local villagers and sub-national intermediaries more frequently, NGOs interviewed still rarely touched on the issues related to recognitional justice. This poses questions on the extent to which geographically bound interactions between actors can promote the communication and mobilisation of EJ concerns between governance levels. At the policy level, ideas related to distributive justice and procedural justice are more discernible in the EIA regulations compared to those of recognitional justice, which may have restricted communications on the issues of recognitional justice in the first place. In the broader context of society, NGOs' historical roles as government alliances, and the authoritative and patriarchal culture perpetuated in the governance institutions, may also lead to misrecognition of diverse identities and their interests in the EIA practices. Followed by the review of the findings, the next section details this thesis' contribution to the justice gap in forest governance literature and the bodies of literature discussed.

7.2 Contributions to theoretical debate: Addressing the justice gap in local forest governance

As discussed at length in the thesis Introduction, various factors shape and reshape the dynamic of the political and economic conditions in society (Fraser 2007; Young 1990). The ideas of justice should therefore be considered as unique, dynamic and multidimensional, and reflective of peoples' experiences of certain social and institutional settings (Schlosberg 2007; Sikor 2013; Walker 2012). Studies on global forest governance have suggested that ambiguity of regulations, poor implementation and low political incentives have hindered the pursuit of just forest governance (Bernauer and Gampfer 2013; Myers and Ardiansyah 2014; Udofia, Noble, and Poelzer 2017). My findings support these arguments and offer explanations based on the importance of people's normative ideas of justice underpinning these practical challenges.

In this thesis, the justice gap in multilevel forest governance in relation to Indonesia's EIA policy is a divergence between the meanings, perceptions and values of justice held by different forest governance actors. This refers to the differences in the normative views of justice held by the actors involved in and affected by policymaking and implementation of EIA. A second characteristic of the justice gap concerns the misleading representation of the subjects of justice, namely landowners and political elites in the communities affected, and their interests in local forest governance. Finally, tensions reflect underlying, overdue and unresolved historical justice conflicts revealing an additional characteristic of the justice gap - a gap between justice demands and justice practices.

Concerns of environmental justice have extended far beyond socio-spatial maldistribution of pollution in relation to race to include many other environmental concerns and other forms of social difference. The geographical, cultural and institutional contexts in

which justice claims are made also become diverse. Contemporary, pluralistic environmental justice has also evolved to be more open to other place-based notions of justice, in addition to liberal-distributive-related notions of justice. In this thesis, a focus on “place” has offered insights into both revealing socio-spatial maldistribution between different social groups and understanding the processes through which such injustice is (re)produced. The findings of this thesis, particularly in Chapter 4, show that people’s interactions with and within places can affect how individuals understand their identity and community and how other people recognise one’s identity and community. Misrecognition by others can degrade some place identities and devalue certain social groups’ interests in forest governance. Proximity and accessibility to particular places where decisions are geographically made can also affect how people are included in or excluded from environmental decision-making. Those decisions, in turn, can bring the unequal distribution of environmental impacts on people and communities located more closely to environmentally destructive activities. The geographical aspect therefore has made a significant contribution to rethinking how environmental injustice is constituted.

This thesis also shows that local, place-based justice concerns are often linked to the principles of legitimacy. Global forest governance initiatives are increasingly responsive to justice concerns; various participatory tools applied, however, have not yet fully succeeded in producing justice for local forest-dependent communities. While authorities over forest governance have increasingly moved from local to national and international settings, local stakeholders’ perceptions of “unfair” or “undemocratic” decision-making processes also arise.

I argue that a focus on legitimacy can help to understand and address justice conflicts in forest governance. The Indonesian EIA policy and the EIA intermediaries consulted rationalise “legitimate” representation and decision-making mainly based on what and whose authority is recorded in the laws, while the concerns of legitimacy and justice as held by the

forest-dependent people are mostly ignored. Besides, due to political and economic factors, including low capacity, lack of authority, and corruption, it remains difficult for international and domestic forest governance managers to effectively resolve local justice conflicts. Disrespect for local voices and continuous failures in communicating real local interests in the EIA decision-making has contributed to local perceptions of formalistic and unjust participation.

Some common injustice claims are made against the unequal distribution of environmental harms to certain social groups and the misrecognition of certain cultures leading to unfair decision-making processes. These issues are closely linked to legitimacy, including whether and to what extent a governance authority can create obligations on any forest-dependent communities to adhere to the societal or regulative rules, which are often not made with their consent. Also, literature sees legitimacy as a source of power enabling some policies or actors' practices while excluding the others. These components of legitimacy can be useful in understanding the unequal power relationships between actors with regard to who may be involved in rule-making or who might be affected by decisions. In terms of community, legitimacy is often justified through the norms or rules commonly accepted by the relevant community members. This idea is especially useful to understand the power relationship within any community and to identify different justice concerns claimed by different social groups, for example women, migrants, landless people, within a community. Justice literature needs to redefine democratic legitimacy responsive to the perspectives of justice as perceived by any community studied while also staying relevant to the global forest policies and actions.

These conditions of forest governance suggest that researchers need to go beyond the perspective of liberal-democratic theory and explore community-centered conceptions of legitimacy and justice to establish just forest governance in the age of globalisation. Global forest governance has increasingly involved state and non-state actors, i.e., intermediary actors

in this thesis, at various governance levels. The lens of critical institutionalism is useful for understanding the roles of intermediaries in forest governance practices and addressing justice conflicts due to different values and interests held by different stakeholders.

Indonesia's EIA legislation indicates that all "communities" potentially impacted by the decision-making of EIA should be involved in public participation; these criteria are nevertheless ambiguous and discounted by a lack of consideration for recognitional justice concerns. In participation processes, both public consultations and EIA commissions have involved primarily landowners and village opinion leaders who do not necessarily represent the interests of other villagers. Discussing the gap between the conceptualisations of justice and the subjects of justice, many interviewees recognised the constraints to pursuing their ideal of justice in the governance practices they adopt. The contested state policy on land tenure, namely the overlaying land rights between the transmigrants and the indigenous presented in Chapter 4, further uncovered the inability of state policies in achieving just governance practices. EIA intermediaries interviewed identified structural issues affecting their pursuit of justice, such as corruption, the influence of unofficial actors and market-based principles underpinning global forest governance, as demonstrated in Chapter 5 and 6. While the intermediaries were informed about emerging values of justice held by development stakeholders, namely development aids, companies and local communities, they often found it challenging to negotiate those concerns in the existing EIA regulatory system.

How the intermediaries interpreted and pursued justice, nevertheless, was distinct from how transmigrants did, who highlighted their concerns for the recognition of identity, community and land rights. EIA practices at the sub-national level therefore fall short of producing justice for the communities affected and have created new justice burdens for marginalised communities. Procedures for participation are neither ethically appropriate nor practically effective in resolving justice conflicts in local forest governance, and yet the EIA

intermediaries continue to adopt these practices. It thus allows for the involvement of the intermediaries in local EIA practices into empty mechanisms, whereby both the state and other powerful actors can maintain the rhetoric of justice and portray an image of fulfilling their justice obligations. To address the issues of formalistic participation, studies need to pay more attention to the political aspects of the EIA governance, including local demands for recognition, legitimacy and accountability with regard to the representation by intermediaries, and the interactions between different actors under specific cultural context.

Ideas of distributive justice have guided the policy practices of Indonesia's EIA as being about the benefit-sharing of development gains and compensation for environmental loss. The domination of distributive notions of justice in Indonesia's EIA can be understood in several ways. Firstly, the design and implementation of EIAs are highly technical and therefore they are more open to issues that can be communicated and assessed through technocratic solutions, for example pollution severity and employment rate. Whereas certain types of stakeholders' interests, for example transmigrants' recognition and representation, are more difficult to operationalise in technical terms. This may explain partly why distributive notions of justice are dominant and retain their popularity in policy even though forest governance practices are widely understood as political. Secondly, the "communicability" of distributive notions of justice across different political decision-making platforms at multi governance levels. Technocentric governance practices are not limited to the EIA, rather they are part of most global governance tools. As illustrated in Chapter 5, various intermediaries, i.e., environmental consultants, technical experts and government officers from different departments, are involved in the AMDAL process. While they are responsible for assessing the environmental flexibility of any development projects, they also seek to advocate their personal and organisational agendas. In the governance system that is structurally more welcoming to technocratic solutions, distributive notions of justice lend vocabularies to advocate ideas of justice across platforms and between actors with least resistance. That means,

compared to procedural and recognitional notions, advocating distributive notions of justice may make the jobs of the intermediaries easier or even more “impactful” if advocating any justice notions are one of their objectives. Finally, the “operationality” of distributive notions of justice lends legitimacy to decision making. This is especially relevant to the case of NGOs as described in Chapter 6. Some NGOs consulted have linked the source of legitimacy closely to the legislative authority and their prioritisation of notions of justice are highly affected by this perception. Besides, they tend not to challenge the definition of justice accommodated in the AMDAL policy, despite their interaction with local communities. Altogether these issues have constrained political space for negotiating alternative notions of justice and the use of forest resources. Moreover, these predetermined, policy-directed justice practices have allowed some AMDAL intermediaries to preserve their authority in representing communities affected and promoting state-prioritised justice notions. Not only do these practices create barriers to considering plural notions of justice and alternative approaches to pursuing just forest governance, they can also produce injustice by acquiescing to formalistic participation, in which intermediaries may be poorly informed of the plural justice concerns of whom they represent.

The participatory mechanisms of Indonesia’s EIA, as mediated by the intermediaries and the powerful actors in the villages, reflected their understanding of justice in local forest governance. Addressing the justice gap, therefore, should involve at least three aspects. First, it is vital to understand that meanings are contested among different forest governance actors, and especially the meanings held by the intermediaries because their conceptualisation of justice fundamentally influences how justice is discussed and approached in local forest governance. Second, achieving just forest governance requires the broadening of understandings of the subjects of justice, as well as an improvement in participatory mechanisms to help identify and include socially marginalised subjects in the early stages of decision-making processes. Finally, further focus of the role of intermediaries as justice

brokers or entrepreneurs is needed to generate and translate plural justice notions into local forest governance.

7.3 Reflections on Environmental Impact Assessment policy in Indonesia

The intention of this thesis is not to oppose participatory mechanisms as the tools for promoting justice practices in EIA governance systems, but to improve the understanding of how the conceptualisation of justice and the power relationships between local forest governance actors constrains innovation and opportunities for facilitating justice practices through EIA systems.

In the policy analysis of AMDAL (Chapter 6), I present the language of the policy that is oriented toward justice, but the implementation of AMDAL has been technocratic (Chapter 6). Moreover, my thesis raises questions about the extent to which local intermediaries can facilitate justice for socially marginalised communities (Chapter 4) through existing EIA participatory mechanisms. In the case of Indonesia's EIA, the justice practice has been both mediated and constrained by the state-authorized participatory mechanisms. The EIA intermediaries, i.e. consultants, academics, government officers and NGOs, have mobilised and diffused those state-prioritised ideas of justice into local governance practices while constrained other ideas of justice from mobilising upward to the policy level. Through these findings, the thesis shows that the framework of environmental justice helps dynamic and multivalent understandings of land conflicts underlying the design and development of local forest governance institutions.

I highlight two points in summary. Firstly, it is important that policymakers and practitioners seriously moderate expectations of EIAs in their current format in achieving sustainability goals, including those of justice, for local stakeholders. Secondly, context-

customised planning and practices for EIAs, including with regards the role of intermediaries within such processes, will be beneficial to structuring EIA participatory mechanisms to maximise its strengths and minimise its weaknesses. It is particularly pertinent for ensuring national participatory policies that were initially conceived at the international level to be moderated into locally relevant and ethically appropriate governance practices.

My empirical findings show that while much rhetoric in international organisations' documents surrounds the adoption of EIAs as win-win mechanisms for economic development and environmental protection (Asian Development Bank 2012; UN Environment 2018; World Bank 2006), intermediaries and local villagers consulted for this research remain reluctant about its effectiveness in achieving those goals. The evaluation between environmental losses and development gains in EIA mechanisms is also not at all straightforward (Arts et al. 2012; Gore and Fischer 2014; Jha-Thakur and Fischer 2016; Joseph et al. 2017; Kolhoff et al. 2016; Krieg and Faber 2004). The policy community concerned with local forest governance therefore needs to review their expectations of EIAs, and more broadly move away from a language of win-wins in the pursuit of sustainable development. Instead, portraying the hard choices on environmental degradation, poverty and other dilemmas faced by the Global South. By doing so, we create a political platform in which options can be discussed more transparently and realistically, with attention paid to the implications of any conservation and development actions, including losses involved for stakeholders.

While forest governance interest groups nominally gather to negotiate in the participation platform of EIAs, this thesis exposes fundamentally divergent perspectives of justice and other interests between those groups. Those associated with the rationalist discourse of EIAs, namely some consultants, government officers and academics consulted, positioned themselves as more "objective" in the intervention processes, emphasising their technical and legal knowledge in evaluating project impacts in the way they deem to be

“neutral”. My findings, however, show that those intermediaries often fail to recognise and challenge the governance system that has excluded alternative voices in the first place. Although participatory and community-based approaches could potentially promote more just forest governance practices, this thesis demonstrates the issues needed to address for realising an effective and context-based participatory mechanism through the involvement of intermediary actors. I therefore argue that it is essential to engage local civil society intermediaries in the deliberative processes around EIA objectives and priorities at the national level, rather than undertaking measures to monitor to what extent these intermediaries follow state protocols in practice.

7.4 *Methodological reflections*

I use a multi-scale research approach to examine a case study of Indonesia’s EIA at the policy level and from multiple actors’ perspectives. The combination of policy analysis, interviews and focus groups is fruitful in presenting a comprehensive picture of everyday forest governance taken place simultaneously at multiple scales.

The policy analysis conducted in this research is novel in examining the implications of justice notions in EIA regulatory systems. While literature has discussed various aspects of justice in EIAs, they have tended to engage in the debates of the universal principles and ideals of justice, instead of investigating how justice is implemented empirically. My policy analysis of Indonesia’s EIA is one of the first attempts to examine the conceptualisation of justice in empirical settings of EIA legislations. Although the findings benefit more on understanding the context of my case study than providing generalised knowledge of justice in EIA literature, these findings have some positive implications on methodology. I am able to demonstrate that we can systematically identify and assess complex and normative ideas rooted in EIA legislation, which had not been examined before. This helps us understand the principles of local forest governance practices, and thus potentially provides directions on intervening for

just forest governance at the policy level. The policy coding framework developed in this thesis can also benefit future policy analysis on justice.

I conducted semi-structured interviews and focus groups with consultants, academics, NGOs and government officers involved in three EIA commissions at the sub-national level, and local people in four villages at the village level. Those respondents shared their experiences involved in the EIA processes, instead of focusing on any specific EIA projects. The respondents might switch the topic from one project to another depending on the direction of conversation and the extent to which any specific projects supported their claims. Although there is uncertainty on the type, scale and location of the projects discussed, I argue that such flexibility in projects discussed is necessary for addressing my broader research aims. Such flexibility of focus suits my intention of moving beyond the rationalist's discussion of impacts at the project level to explore actors' common or distinct perspectives on the everyday governance practices and the power relationship underpinnings these practices. By focusing on the actors' perspectives in more dynamic settings, it benefits my data collection in two ways. Firstly, it allows the respondents to develop their narrative in the ways that are meaningful to them. How individuals perceive and react to any project circumstances are not isolated from the social, cultural and political context. That means identifying the projects (and its implications) the individuals choose and choose not to discuss can offer invaluable insights into their perspectives on justice and forest governance. Secondly, the respondents are more open in sharing their experiences when they can anonymise any specific projects, thereby also the people involved in those projects. The respondents often described only essential characteristics of those projects, such as the type and scale of the activity, to help me understand the projects. This approach thus pragmatically benefited the data collection because the respondents would be more willing to comment on the issues of power relationships in their professional life.

The main limitations of this research are related to secondary data. Many official documents of EIA projects, including EIA review reports, meeting minutes and maps were either unavailable or incomplete. Although this has limited impact on my study, as these materials act as supplementary to my analysis, better archiving of all EIA documentation and access to these official data at the sub-national level will be beneficial for future research of participatory forest governance. There were also limited or no availability of data on civil society organisations or individuals involved in the EIA commissions studied. While such information was not recorded in official EIA reports, it also lacked information online and with the registry of organisations. These secondary data are essential references to verify the accuracy of the interview data collected. I had sought to crosscheck the organisational information with local contacts to minimise inaccuracy. In future, however, database on organisational information will benefit reliable analysis.

Producing informed methodologies sensitive to the power relations in fieldworks also requires attention and support to research positionalities from academic institutions. Institutional ethical frameworks, such as the ethical fieldwork assessment I conducted, are often inadequate to address ethical concerns by research students or early career researchers and to ensure ethical practice in the field (Brittain et al. 2020; Caretta and Jokinen 2017; Pasquini and Olaniyan 2004). In this research, the rights of local assistants are not fully protected under the University's institutional framework; for example, the University did not insure the travel of local assistants. I also did not receive any formal training in managing ethical work relationship with local assistants within the University's framework¹¹. Although I included a budget for medicine and overtime work for the assistants, it was based on willingness instead of obligations. The voluntary approach increases uncertainty to the

¹¹ There are however references provided in the University's ethics webpages; the University's ethics form also notes that the researcher should ensure adequate provision for assistants. The argument here is about the importance of the institutionalisation of safeguarding practice in international research nevertheless.

research ethics, thereby good methodologies, by leaving the often-underfunded research students or early career researchers to manage those essential costs of fieldwork which they may not afford. Also, temporary workers, such as field assistants in Indonesia, do not usually enjoy adequate legal protection under the labour laws in countries where field research on topics of inequalities and injustice are undertaken. Such voluntary mechanisms risk exploitation of local assistants and may exacerbate inequalities and injustice between the more-privileged researchers and their institutions and the less-privileged research partners in international fieldwork, as argued by others (e.g., Caretta and Jokinen 2017; Cronin-Furman and Lake 2018; De Laine 2000; Henry 2003; Sieber 2012). To ensure ethical field research, thereby reliable data, in the international context between the Global North and South, actions are needed for understanding the ethical issues on research assistance and for institutionalising the rights of local assistants in conducting field research.

7.5 Further research directions

In the field of environmental justice, my research suggests the need for continued conceptual and empirical work that more closely examines the tensions between the nature of justice being demanded and supplied, and the extent to which these can be reconciled in the empirical environmental justice theory. Chapter 4 shows the implications of geographical experience on constituting claims of misrecognition in land tenure conflicts. The demands of recognition and representation in land-use decision making, however, are not consistent with what the intermediaries mobilise in the AMDAL process (Chapter 5). Both chapters show that geographical barriers and other social factors can lead to unequal access to political and economic resources by different actors, and thereby misrecognition and misrepresentation of stakeholders' interests by intermediaries. Critical institutionalism literature emphasises the power relationship underlying the formations of social notions and the interactions between actors, which can be useful to identify the barriers to incorporating notions of justice in social

and political institutions. Besides, the geography of justice provides insights to improve the understandings of norms formation and mobilisation.

Notions, or the “ought-to-be”, is based on sets of cultural values which are local and place-based. While the thesis is concerned with justice-related notions, there are notions that are not justice-related; also, many notions in themselves can be profoundly unjust. Particularly, Chapter 5 mentions patriarchy as a distinct notion which shapes the interactions between intermediaries, and it may have resulted in the absence of recognition when it comes to issues of gender. Chapter 6 shows historical factors that affect people’s perceptions towards NGOs; this upheld notion is not justice-related but it has led to the perceptions and experiences of misrepresentation claimed by the villagers and other AMDAL intermediaries. Those findings show that identifying notions that are dominant and suppressed in the everyday governance practices will be useful to the understanding of the creation of injustice. These include the notions that are directly related to justice and the notions that facilitate or constrain the incorporation and mobilisation of justice-related notions in the governance practices. This thesis also raises questions about the shifting role of intermediaries and the barriers to deliberating opportunities for justice at the sub-national level and its subsequent justice effects. More studies are suggested in understanding how different actors engage and influence just forest governance, both through the institutional and unofficial platforms.

The findings with regard to the geography of recognition and critical institutionalism also offer insights to the barriers to incorporating environmental justice in public participation of AMDAL. This work points to the potential for how presumably democratic approaches to resource governance, such as EIA participatory mechanisms, can be used to legitimise authoritarianism. Any social identity may not automatically engender rights, but they lend legitimacy to claiming rights. Non recognition or misrecognition of any social identity, in turn, can deny one’s legitimacy to secure a claim. This shows that claims of environmental justice

are interconnected and more empirical evidence on how environmental justice is conceived and implemented in national EIA policies is desired.. Such work can then be used as a basis for improving environmental justice in forest governance policies.

7.6 Concluding remarks

While my thesis highlights weaknesses in the pursuit of local just forest governance, there are reasons for optimism. To different extents, intermediaries and local villagers consulted were informed and engaged with issues of institutional land-use decision-making. Many also demonstrated their knowledge of human rights, land rights and rights to participation, and questioned the legitimacy of representational participation. Through better access to technology and information, local forest governance actors have more effectively monitored forest resource use, voiced their opinions to a bigger audience and in public platforms, and mobilised against unjust practises. These improvements are especially inspiring as they show that through deliberative efforts and continuous attention to state and non-state actors, we can transform forest governance institutions into more just and sustainable systems.

7.7 References

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Appendices

Appendix 1 Policy development summary of AMDAL

Table A-1 Policy development summary of AMDAL.

Year	Action	Remarks
Prior to EIA system set-up:		
the Environmental Management Act No. 4/1982		
1945	Basis Law (UUD) 1945	-
1978	Institutionalisation of the Office of State Ministerial for Development, Supervision and Environment	Influenced by the United Nations <i>Conference</i> on the Human Environment in 1972, Stockholm
1982	Environmental management Act (UU) No. 4/1982	Introduced EIA into the legal system
1983	Institutionalisation of the Office of State Ministerial for Population and Environment	Replaced the Office of State Ministerial for Development, Supervision and Environment
1983	Environmental Management Development in Indonesia (EMDI) project in establishing an EIA system and other environmental management tools	Funded by Canadian International Development Agency (CIDA)
EIA Legislation: the Government Regulation No. 29/1986		
1986	Government Regulation (PP) No. 29/1986	EIA system and environmental impact evaluation (EIE) was established
1987	KepMen No. 49/1987	About impacts determination
	KepMen No. 50/1987	EIA preparation
	KepMen No. 51/1987	EIE preparation
	KepMen No. 52/1987	EIA preparation's deadline
	KepMen No. 53/1987	Commission member arrangement and working procedure
Attempts to simplify EIA process: the Government Regulation No. 51/1993		
1993	PP No. 51/1993	Replaced PP No. 29/1986 concerning major changes of EIA screening & the cessation of EIE

Year	Action	Remarks
	KepMen No. 10/1994	Revocation of EMD No. 49-53 of 1987
	KepMen No. 11/1994	Set up a prescribed list of EIA screening process
	KepMen No. 12/1994	Environmental management guidelines and environmental monitoring measurement
	KepMen No. 13/1994	Commission member arrangement and working procedure
	KepMen No. 14/1994	EIA preparation
	KepMen No. 15/1994	Establishment of EIA Commission
	Decree of the Head of the Bapedal (KepBap) No. 56/1994	Guideline on impact
1995	Kepmen No. 54/1995	Establishment of EIA regional Commission
	Kepmen No. 55/1995	Regional EIA
	Kepmen No. 57/1995	Multisector EIA implementation
1996	KepMen No. 39/1996	Revision of EMD No. 11/1994 Type of business to be monitored
	KepBap No. 299/1996	Social aspect of EIA
1997	UU No. 23/1997	Replaced UU No. 4/1982 Introduced SEA into legal system
Decentralisation of EIA process: the Government Regulation No. 27/1999		
1998	Social Movement ' <i>Reformasi</i> '	Began with the fall of Suharto regime in 1998 following the end of New Order period and a greater regional autonomy
1999	PP No. 27/1999	Replaced No. 51/1993 Cancellation of EIA commissions in sectoral departments at central government level – all EIA review tasks were put on the EIA commission at the Bapedal Established EIA administrations in the provincial and district government of the Bapedal

Year	Action	Remarks
1999	PP No. 27/1999	Public participation in EIA process (only permitted representation by NGOs in previous regulations)
	UU Otonomi Daerah No. 22/1999	-
	Kepmen No. 30/1999	EIA documents preparation
2000	KepMen No. 2/2000	EIA implementation
	KepMen No. 3/2000	Revision of EMD No. 39/1996
		Type of business to be monitored
	Kepmen No. 4/2000	Guideline for EIA activities
	Kepmen No. 5/2000	EIA in wetlands
	KepMen No. 40/2000	Revision of EMD No. 13/1994
		Commission member arrangement and working procedure
	Kepmen No. 41/2000	EIA commission at district level
	Kepmen No. 42/2000	Arrangement of EIA commission and technical team
	KepBap No. 8/2000	Public involvement in EIA process
	KepBap No. 9/2000	EIA guideline
2001	KepMen No. 17/2001	Revision of EMD No. 3/2000
		Type of business to be monitored
	Kepmen No. 19/2001	Guideline on pollution complaint
2002	KepMen No. 86/2002	SOP for project that is not required to go through EIA
2005	MOE Decree No. 308/2005	Environmental Impact Assessment in Aceh and Nias
2006	PerMen No. 8/2006	Revision of EMD No. 14/1994
		EIA preparation
	PerMen No. 11/2006	Revision of EMD No. 17/2001
		Type of business to be monitored
2008	PerMen (PU) No. 10/2008	UKL and UPL
2009	UU No. 32/2009	Replaced UU No. 23/1997
		Environmental protection and management

Year	Action	Remarks
2010	PerMen No. 7/2010	Competency of EIA documents
	PerMen No. 13/2010	Repeal KepMen No. 86/2002 Environmental management and monitoring
	PerMen No. 15/2010	Requirements of EIA commission
	PerMen No. 19/2010	Quality of waste water for oil and gas activities
Current legislation: PerMen No. 27/2012		
2012	PP No. 27/2012	Regarding environmental permit Now contain the procedural requirements for EIA Replaced Decree no. 22/1999, 40/2000, 41/2000, 17/2001, 86/2002, 8/2006, 8/2006 and 11/2006.
	PerMen No. 16/2012	EIA documents Repeal PerMen No. 8/2006 & No. 13/2010
	PerMen No. 2/2011	Quality of waste water for business
	PerMen No. 3/2012	Biodiversity
	PerMen No. 4/2012	Environmental friendly indicators for coal activities
	PerMen No. 5/2012	Replaced PerMen No. 3/2000
	PerMen No. 7/2012	Management of emissions source
	PerMen No. 10/2012	Gas emission of new type motor vehicles category L3
	PerMen No. 12/2012	Guidelines for calculation of earth gas industrial
	PerMen No. 17/2012	Public participation in EIA Replaced PerDal No. 8/2000
2013	PerMen No. 8/2013	-
2014	PP No. 71/2014	Protection and management of the peat ecosystem

Appendix 2 Policy analysis summary report

File source:

1. UU_32_2009: Law No. 32/2009 on Protection and management of environment
2. PP_27_2012: Government Regulation No. 27/2012 on Environmental permit
3. Permen_16_2012: Ministerial Regulation No. 16/2012 on Guidelines for preparation of environmental documents
4. Permen_17_2012: Ministerial Regulation No. 17/2012 on Guidelines for public participation in AMDAL and environmental permit

Table A-2 Policy analysis sources summary.

Source	Total words in source	Total paragraph in source	Number of nodes coding source	Coded percentage of source	Number of text references
UU_32_2009	13589	730	4	100%	30
PP_27_2012	4034	167	4	100%	58
Permen_16_2012	9255	588	3	100%	64
Permen_17_2012	13428	747	4	100%	292

Table A-3 Policy analysis nodes summary.

Node	Number of sources	Number of coding references	Number of words coded	Number of paragraphs coded
Dimension\Distribution	4	110	5810	272
Dimension\Procedure	4	88	3942	199
Dimension\Recognition	3	24	818	33

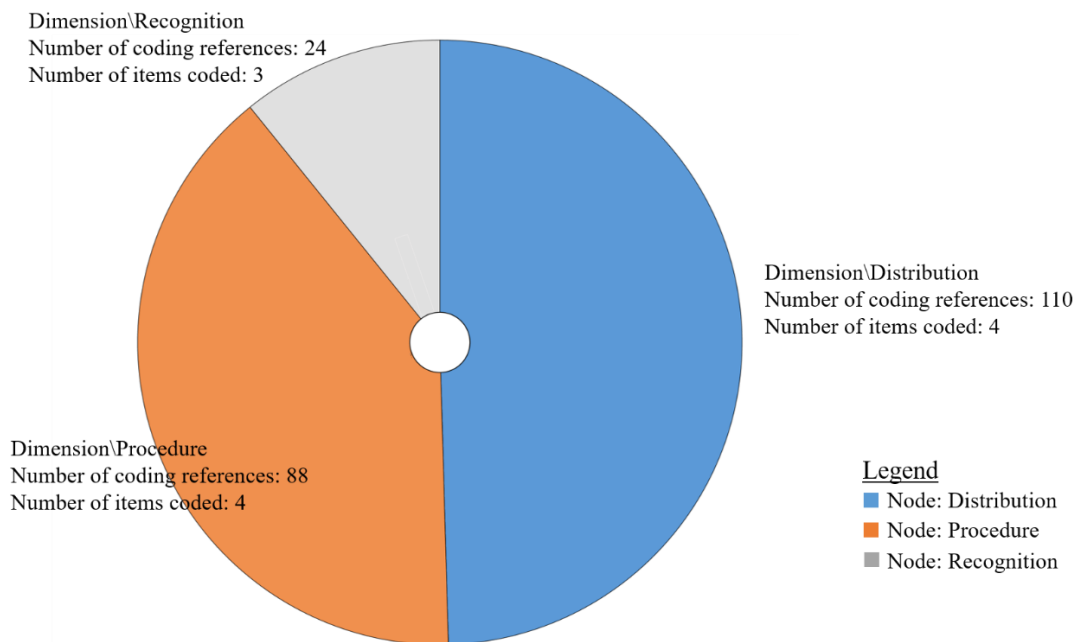


Figure A-1 Coverage of each coding theme identified in the four regulations of AMDAL.

Note: The text of four regulations were coded under three coding themes: distribution (distributive justice), procedure (procedural justice) and recognition (recognitional justice).

“Number of items coded” indicates how many documents (items) were coded to each theme. This policy analysis covered 4 regulations, therefore 4 documents in total. The content related to distributive justice and procedural justice were identified and coded in all four documents/items/regulations. Topics of recognitional justice were identified and coded only in three items.

“Number of coding references” indicates the amount of references coded to each theme. This analysis coded phrase instead of words, therefore the number of references can be understood of the number of phrases coded.

Appendix 3 Information on case study interviewee

Table A-4 Gender and age groups of research participants.

Age Group	All Research Participants			Intermediaries Participated			Villagers Participated		
	Total	Female	Male	Total	Female	Male	Total	Female	Male
10 - 19	5	4	1	0	0	0	5	4	1
20 – 29	13	4	9	1	1	0	12	3	9
30 – 39	31	8	23	9	1	8	22	7	15
40 – 49	53	7	46	22	3	19	31	4	27
50 – 59	25	2	23	15	0	15	10	2	8
60 – 69	4	0	4	3	0	3	1	0	1
70 – 79	1	0	1	0	0	0	1	0	1
Unknown	17	5	12	1	0	1	16	5	11
Total	149	30	119	51	5	46	98	25	73
Participant									
Female :		4 : 1			9.2 : 1			2.92 : 1	
Male Ratio									

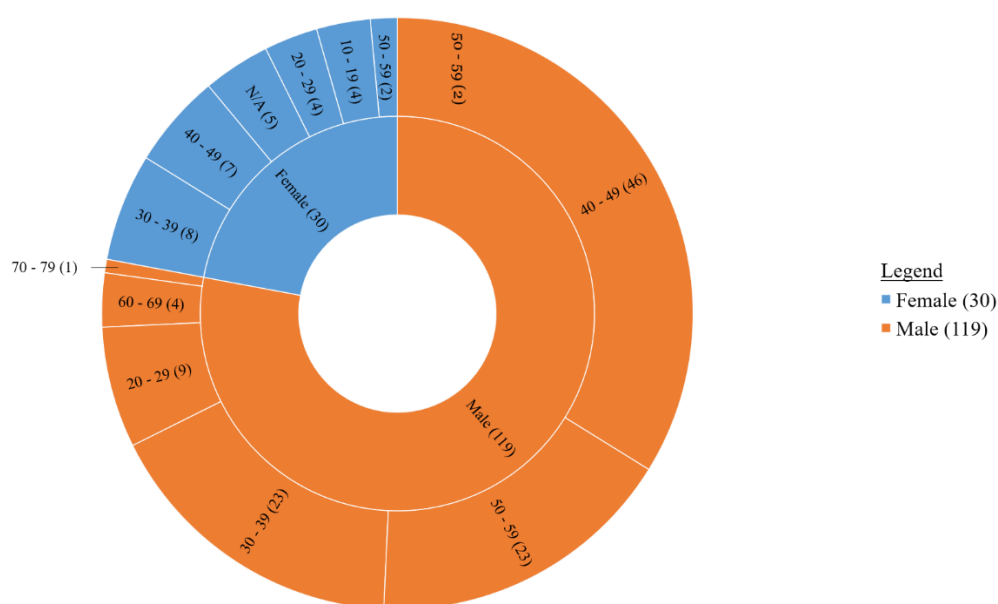


Figure A-2 Diagram of all research participants' gender and age groups.

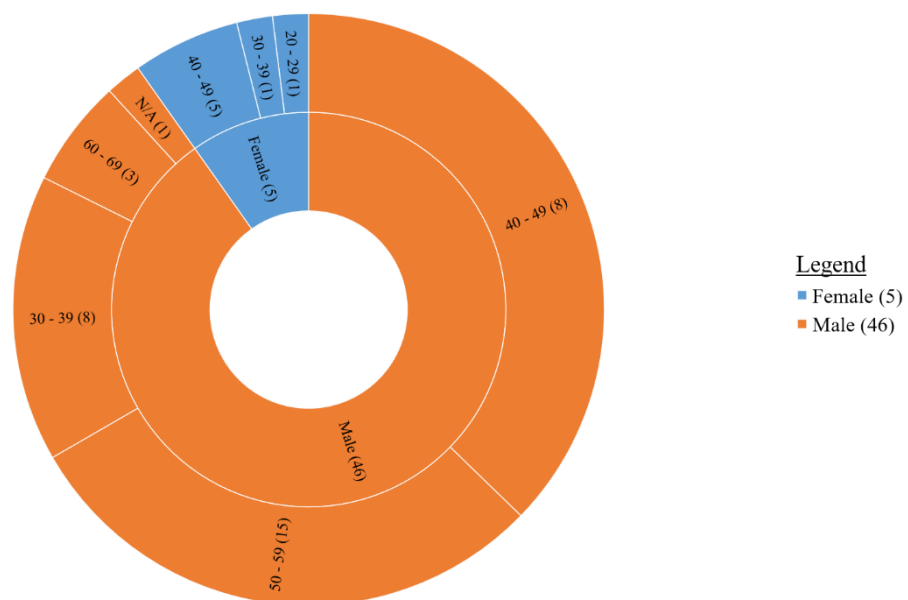


Figure A-3 Diagram of the participated intermediaries' gender and age groups.

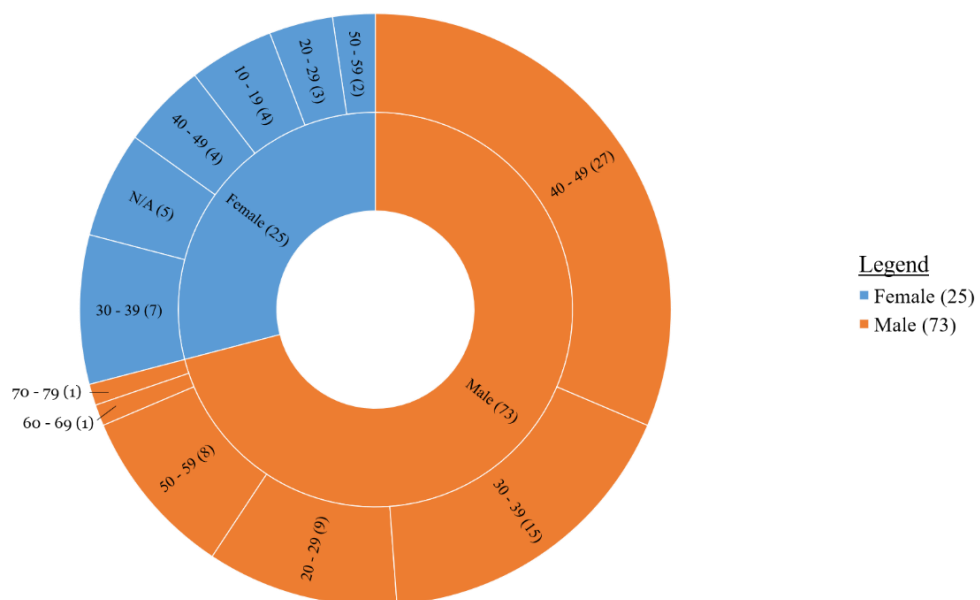


Figure A-4 Diagram of the participated villagers' gender and age groups.

Appendix 4 Generic guidelines for semi-structured interviews and focus groups

The policy aspect of AMDAL:

1. What is the objective of AMDAL?
2. Any other objectives do you think should be included? What are they? Why should they be included? Any objectives do you think should not be included? Why? (Or is it good enough now?)
3. AMDAL reports often focus on the components including physical, biological, social and cultural, and health. What content should be included in the component study?
4. Any other components should be included in the AMDAL study (or should not be included?) Why? (Or is it good enough now?)
5. Do you see any problems of the existing research method in AMDAL study? What are they? What could be done to improve the situation?
6. Have you raised any of your concerns to anyone related to AMDAL?
7. Have any of your concerns regarding the process been addressed - if so, how were they addressed and what was the outcome?
8. Before 2002, the environmental permit was authorised by different sectors, now is by AMDAL under Ministry of Environment. Do you see any good or bad in the role of AMDAL initiator?

The implementation process of AMDAL:

1. Who is involved in AMDAL process?
2. What is the role of an AMDAL committee?
3. What is the role of an environmental consultancy?

4. Do you think the AMDAL commission fulfil the role you expected? Why?
5. Are there any training for the AMDAL commissioners? How does it work? Do you think it is useful? And why?
6. How is a project decision made?
7. Are there any problems should be addressed in AMDAL when making a project decision?
8. What could/should be done to improve the situation?
9. Have you raised any of your concerns to anyone related to AMDAL?
10. Have any of your concerns regarding the process been addressed - if so, how were they addressed and what was the outcome?
11. Do you see any good or bad for the company to appoint environmental consultancy in preparing the AMDAL report?
12. Do you see any problems of AMDAL report preparation in the process of AMDAL? (public consultation, proposal, report, management and monitoring plan)
13. Do you know estimate how much does it cost to go through the AMDAL process? Based on your experience, do you think the expense is affordable to most of the companies?

Public participation in AMDAL study means:

1. Who is involved in AMDAL's public participatory process?
2. How are they involved?
3. Who do you think should be involved?
4. How do you think they should be involved?
5. What do you consider as a 'good' public participatory practice (and what is bad?) - Examples of each?

6. Do you have any concerns about the public participatory process in AMDAL? What are they? (Are you aware of any other concerns that others have?)
7. What could/should be done to improve the situation? (e.g., participants, process, guidelines, legislation, engagement, etc.)
8. Have you raised any of your concerns to anyone related to AMDAL?
9. Have any of your concerns regarding the process been addressed - if so, how were they addressed and what was the outcome?
10. What are some characteristics of 'fairness' that could relate in any way, good or bad, to your experience of public participation of AMDAL?

Social impact in AMDAL study means:

1. I often see the term 'social impacts' in the AMDAL document, what does it mean?
2. What social impacts are considered?
3. Who might be affected by the project decisions?
4. What measures are used to study social impacts?
5. Who considers them?
6. How are the social impacts evaluated by the AMDAL Commission?
7. Are there any difficulties you see in studying and evaluating social impacts in AMDAL? What are they? (or is it all easy?)
8. What could/should be done to improve the situation?
9. Have you raised any of your concerns to anyone related to AMDAL?
10. Have any of your concerns regarding the process been addressed - if so, how were they addressed and what was the outcome?
11. What are some characteristics that could relate in any way, good or bad, to your experience of social impact of AMDAL?

About Corporate Social Responsibilities (CSR):

1. What is the objective of CSR in your opinion? Any other objectives should be included (or not)? Why?
2. CSR projects often focus on the improvement of educational and health facilities and the increase of job opportunity. Any other factors should be considered in CSR? (or is it all good?)
3. Who might be benefited from the CSR approaches?
4. Who decides for the CSR planning/execution/monitoring? Do you have a say on any of these stages?
5. Do you think CSR planning/execution/monitoring is effective to solve the potential impacts of the project? In what aspects? (social, environmental, health impacts, etc.)
6. If not, what are the problems of effective CSR planning/execution/monitoring?
7. Any other actions should be taken in CSR? What could be improved in CSR to solve the impacts?

Other topics to note:

1. 'Places and Spaces' of public participation
2. Protests, safety
3. District land-use planning (RTRW)
4. PLASMA conflict (tenure partnership between oil palm company and local communities)
5. Involvement of army and police in AMDAL, corruption and collusion
6. Personal interests in the AMDAL processes
7. Shared interests with the company involved
8. Authorisation (who is allowed to do what?)

Appendix 5 Engagement of the interviewees through semi-structured interviews and focus groups

Table A-5 Engagement of the village interviewees through interviews and focus groups.

Village	No. Focus group (FG)	No. Participant of each group	No. Interview	No. Interviewee
Village 1	FG1	5	12 (Only 1 interviewee was interviewed twice)	11
	FG2	5		
	FG3	3		
	FG4	2		
Village 2	FG1	5	2	2
	FG2	4		
Village 3	FG1	6	14	14
	FG2	7		
	FG3	2		
Village 4	FG1	5	8	8
	FG2	6		
	FG3	8		
	FG4	8		
Total	13	66	35	34

Table A-6 Engagement of the AMDAL intermediaries through interviews and focus groups.

No.	Work role	No. Interview	No. Focus group	No.	Work role	No. Interview	No. Focus group
1.	Academic	1	0	26.	Former senior government manager	2	0
2.	Academic	1	1	27.	Senior government manager	1	1
3.	Academic	2	0	28.	Senior government manager	3	1
4.	Academic	2	0	29.	Senior government manager	0	1
5.	Academic	2	1	30.	Senior government manager	1	0
6.	Academic	1	0	31.	Senior government manager	1	0
7.	Academic and consultant	2	0	32.	Senior government manager	1	0
8.	Academic and consultant	2	0	33.	Senior government manager	1	0
9.	Academic and consultant	1	0	34.	Senior government manager	2	0

No.	Work role	No. Interview	No. Focus group	No.	Work role	No. Interview	No. Focus group
10.	Environ- mental Consultant	1	0	35.	Senior government manager	2	0
11.	Environ- mental Consultant	3	0	36.	Senior government manager	0	1
12.	Environ- mental Consultant	1	0	37.	Senior government manager	0	1
13.	Government officer	0	1	38.	Senior government manager	1	0
14.	Government officer	1	0	39.	NGO	0	1
15.	Government officer	1	0	40.	NGO	0	1
16.	Government officer	0	1	41.	NGO	2	0
17.	Government officer	2	0	42.	NGO	1	0
18.	Government officer	1	1	43.	NGO	2	0
19.	Government officer	0	1	44.	NGO	2	2
20.	Government officer	0	1	45.	NGO	0	1
21.	Government officer	1	0	46.	NGO	0	1
22.	Government officer	2	0	47.	NGO	0	1
23.	Government officer	2	0	48.	NGO	1	0

No.	Work role	No. Interview	No. Focus group	No.	Work role	No. Interview	No. Focus group
24.	Government officer	1	0	49.	NGO	2	0
25.	Former senior government manager	2	0	50.	NGO	0	1
				51.	NGO	2	1

Note: All participants classified into one of these categories for anonymity:

6. Academic (including specialists in biodiversity, hydrology, and spatial planning)
7. Academic and consultant (including specialists in biodiversity and sociology)
8. Environmental consultant (including specialists in AMDAL, land-use licensing, and project management)
9. Government officer (including officers of Division of Environmental monitoring, Health, License issuance, Plantation, Spatial planning, and Transportation)
10. Senior government manager (including current and former Heads, secretariats, and other senior managers of Division of AMDAL, Disaster and risk management, Environmental monitoring, Forestry, Health, Labour and transmigration, and License issuance)
11. NGO (including officers of the organisation focused on conservation, corruption, environmental conflicts and transparency)

Appendix 6 Photos in the field



Figure A-5 The major transportations in the field were boats and motorcycles.



Figure A-6 The biggest safety concerns were rains, floods and road condition.



Figure A-7 Living with the hosts gained me access to the community events which offered valuable information on cultures and social relationships.



Figure A-8 Marketplace and other public spaces were the important places for conducting observation.

Appendix 7 Research ethics form



THE UNIVERSITY of EDINBURGH
School of GeoSciences

Research Ethics and Integrity Assessment Form PART 1 - First Pass Assessment

1. Are you an undergraduate, MSc or PhD student?

☒

YES Complete Part 2 of the Research Ethics and Integrity Assessment Form (as 'Self' or 'Full').

☐

NO **Go to Question 2**

2. Has your research been reviewed by an external body (e.g. NHS, BAS)?

☐

YES Complete a Confirmation of External Review Form .

☒

NO **Go to Question 3**

3. Does your research involve human subjects (e.g. interviewing, participant observation, PAR, survey, audio/film recording)?

☒

YES Complete Part 2 of Research Ethics and Integrity Assessment Form (as 'Self' or 'Full').

☐

NO **Go to Question 4**

4. Does your research involve environmental fieldwork (e.g. sampling, directly monitoring a site, environmental disturbance, trans-boundary movement of specimens /samples)?

☐

YES Complete Part 2 of the Research Ethics and Integrity Assessment Form (as 'Self' or 'Full').

☒

NO **Go to Question 5**

5. Does your research involve the use of data/material provided by an external source (e.g. other researcher, agency, data repository) or archival work?

☒

YES Complete Part 2 Research Ethics and Integrity Assessment Form (as 'Self' or 'Full').

☐

NO **Go to Question 6**

6. Are you confident that you understand the requirements of the Data Protection Act (1998) and that you have appropriate documented agreements and procedures in place to cover your collaborative working relationships with academic or non-academic partners (including local field assistants), extending to how intellectual property, publication and authorship will be shared?

☐

YES **Go to Question 7**

☒

NO Complete Part 2 Research Ethics and Integrity Assessment Form (as 'Self' or 'Full').

7. Are you confident that your work meets the standards of integrity required by the UoE and that you have a sound and justifiable plan regarding dissemination of the results of the research (e.g. to potential beneficiaries such as funders, study participants, land occupiers or owners, local communities, etc.)?

☐ YES Please email the Research Ethics and Integrity Secretary (ethics@geos.ed.ac.uk) with your project title and a copy of this First Pass Assessment. The Research Ethics and Integrity Committee reserve the right to obtain a written record of your reasoning.

☒ NO Complete Part 2 of the Research Ethics and Integrity Assessment Form (as 'Self' or 'Full').

PART 2 - Research Ethics and Integrity Assessment Form

Tick either Self or Full Assessment		
SELF ASSESSMENT	<input checked="" type="checkbox"/>	Read Research Ethics and Integrity Self-Assessment Guidance Notes
FULL ASSESSMENT	<input type="checkbox"/>	Read Self-Assessment Guidance Notes in conjunction with Full Research Ethics and Integrity Assessment Guidance Notes
Has a member of the Committee been consulted prior submission?	<input type="checkbox"/>	If ticked please provide the name of Committee Member Name

Title of Research Project:

Duration of Research Project: 3-4 years
Name of Principal Investigator: Jia Yen LAI

Signature of Principal Investigator: Jia Yen LAI Date: 6th June 2017
(Electronic signatures / typed names are accepted)

Research Institute (staff and PhD only): School of Geoscience

Email: jy.lai@ed.ac.uk

Co-Investigator(s) (if applicable):

Student supervisor information (if applicable)
Name of Supervisor: Prof. Jamie Pearce
Signature of Supervisor*: jamie.pearce@ed.ac.uk Date: 6 th June 2017 (Electronic signatures accepted or typed name and date if supplied with the email from your supervisor which verifies approval)

Type of student (if applicable)	Tick	Student Number	Name of your programme secretary
Undergraduate Honours	<input type="checkbox"/>		
<i>Undergraduate students should attach the completed form to their dissertation research/project proposal. The ONLY time an Undergraduate student should submit a form to the School Research Ethics and Integrity Committee is if their research requires a Full Assessment.</i>			
Taught MSc	<input type="checkbox"/>		
MSc by Research	<input type="checkbox"/>		
<i>MSc students should attach the completed form (signed by their supervisor) to their dissertation research/project proposal or forward the form to their Programme Director for review as instructed in their programme handbook. The ONLY time a Masters student should submit a form to the School Research Ethics and Integrity Committee is if their research requires a Full Assessment.</i>			
PhD	<input checked="" type="checkbox"/>	S1153868	pgrsupport@geos.ed.ac.uk

Check List before submission	
I have read the appropriate Guidance Notes	V
I have completed all relevant check boxes	V
I have included a Research Summary	V
I have completed the Additional Statement box (where appropriate)	V
I have appended all other relevant documents (where appropriate) (NB: If you are an undergraduate, MSc or PhD student submitting a Full Research Ethics and Integrity Assessment please attach your Plain Language Statement(s), Consent Form(s), and copies of formal agreements, email correspondence, etc. as appropriate)	V

After this form is completed

Email the completed form (along with any additional supporting documents) to the Committee Secretary by emailing ethics@geos.ed.ac.uk. The form will be logged and reviewed by the Committee and a Determination returned to you within 3 weeks.

Research Project Assessment

Research Summary

The research project uses both quantitative and qualitative methods to investigate the procedural justice and health implications of land use decision-making process in Indonesia. The first stage of data collection and analysis will make use of the secondary geospatial data and several sets of statistical data to generate evidence on the implication of social and health implication associated with deforestation. A set of geospatial data, The National Land Cover Maps 1990 to 2013, will be acquired from the Indonesia's Ministry of Environment and Forestry. Several sets of survey data, including Censuses, Inter-censuses, National Socio-Economic Household Survey, will be acquired and purchased from the Indonesia Statistics (BPS). The morbidity data of malaria, dengue and diarrhoea will be acquired from the Ministry of Health. The second stage of data collection and analysis will investigate the effectiveness and quality of Indonesia's Environmental Impact Assessment (AMDAL) system, whether it inhibits the procedural justice from the stakeholder's perspective. The research will review several sources of government documents, including the AMDAL reports, written public comments and meeting notes. The documents are open for public inspection and can be acquired from the Ministry of Environment and Forestry. To understand the stakeholders' perspectives of the AMDAL implementation, the research will conduct semi-structured interview with the key informants, including the AMDAL consultants, assessment technical teams, NGOs representatives and local communities. The field study will take place in West Kalimantan province, Indonesia, between January and April 2018. Local collaboration partner will assist me to apply visa and to access the field site. They will also provide assistance on logistics and field assistant recruitment.

1	Legal, moral responsibilities, codes of conduct This box must be completed for all research projects	yes	No	N/A
A	Are there any conflicts of interest between the researchers, funding bodies, the institution, and/or research subjects/environments?		V	
B	Is the research compliant with the Data Protection Act (1998) and University of Edinburgh Data Protection procedures?	V		
C	Separate from any legal obligations, is there a moral responsibility to provide feedback or results to research participants/landowners?		V	
D	Will you take all necessary measures to maintain the integrity of the research?	V		
E	Are you aware of codes of conduct from professional associations that should guide your research?	V		
F	If the research is to take place outside the UK, will the research be, or has the research been, reviewed in the host country?		V	
G	Does your research concern groups which may be construed as terrorist or extremist?		V	
<p><i>Guidance relating to legal and moral responsibilities and a sample list of Codes of Conduct can be found in the Self-Assessment Guidance Notes. If applicable, include a statement on how conflicts of interest will be addressed in the Additional Statement box at the end of the form. If applicable, include a statement on why the research will not be ethically reviewed in the host country in the Additional Statement box at the end of the form. If you answer YES to 1G please complete and submit a Prevent Duty Form (available via the ethics webpages) alongside your completed Ethics Assessment Form.</i></p>				

2	Rights of human subjects Complete this box <i>only if</i> the project involves living human subjects, or if your work requires extensive interaction with land users or other people in the course of your research.	yes	no	N/A
A	Is confidentiality adequately handled by normal tenets of ethical academic research?	V		
B	Are the research subjects capable of understanding their rights and of providing informed consent?	V		
C	Are the research subjects 18 years of age or over?	V		
D	Will research subjects be informed of your responsibilities to report any evidence of abuse or criminal activity?			V
E	Will research participants be informed about your obligations under the Data Protection Act (1998)?	V		
<p><i>If NO to any of these, Full Ethics Assessment required</i></p> <p><i>Guidance relating to subjects' rights, confidentiality, and the Data Protection Act (1998) can be found in the Self-Assessment Guidance Notes (those completing a 'Full' assessment should also read the Full Ethics</i></p>				

3	Potential harm, discomfort or stress for living human subjects or non-humans This box must be completed for all research projects.	yes	no	N/A
A	Is there significant foreseeable potential for psychological harm or stress for those involved in your research (including the research team)?		V	
B	Is there significant foreseeable potential for physical harm or discomfort for those involved in your research (including the research team)?		V	
C	Is there significant foreseeable potential for violation of cultural or social norms/practices?		V	
D	Is there significant foreseeable potential for conflict or discomfort for any humans or non-humans your research will impact upon?		V	
If YES to any of these, Full Assessment is required				
Guidance relating to the minimisation of harm, discomfort, or stress can be found in the Self-Assessment Guidance Notes. If applicable, include a statement on procedures to minimise harm, discomfort and/or your stance in relation to the violation of cultural norms and practices in the Additional Statement box at the end of the form.				

4	Effect on environment Complete this box <i>only</i> if your project includes environmental fieldwork that involves sampling or directly monitoring a site, or if your research will involve movement in or through sensitive environments.	yes	no	N/A
A	Will the fieldwork be conducted in an environmentally sensitive area or area of Special Scientific Interest, OR require <i>crossing</i> a sensitive area?			
B	Have appropriate steps been taken to gain permission to access the field site(s) (including privately held land)?			
C	Will the landowner/responsible agency be informed of your responsibilities to report any evidence of abuse or criminal activity?			
D	Will samples be collected and removed in sufficient quantities to have a negative physical/environmental impact on the site and/or its eco-system?			
E	Will the conduct of the fieldwork significantly disrupt the site and/or its environment?			
F	Does the fieldwork involve sampling rare/endangered or harmful taxa/species?			
G	Will the research involve transporting samples/specimens between countries or across other significant boundaries?			
If YES to A, D, E, F or G, Full Ethics Assessment required				
Guidance relating to environmental fieldwork can be found in the Self-Assessment Guidance Notes (those completing a 'Full' assessment should also read the Full Ethics Assessment Guidance Notes). If applicable, include a statement on how you will attempt to gain permission in the Additional Statement box at the end of the form. If applicable, append any written agreement with the land owner to the end of the form.				

5	Institutional/agency consent This box must be completed for all research projects	yes	no	N/A
A	Have permissions for access to archives and data repositories been arranged?		V	
B	Where data has or will be obtained from another researcher, agency, archive, or other source, is it clear that the intended usage adheres to the terms of supply?	V		
C	Will issues of data handling and consent be dealt with adequately and following procedures agreed with agencies, archives, and/or land managers?	V		
Guidance relating to data protection and consent can be found in the Self-Assessment Guidance Notes				

6	Collaborative working Complete this box <i>only if</i> the research will involve working collaboratively with other academic/non-academic partners and/or employing local field assistants (including guides/translators).	yes	no	N/A
A	Is there a formal agreement in place regarding the collaborative relationship with the academic partner(s) (if applicable)?	V		
B	Is there a formal agreement in place regarding the collaborative relationship with the non-academic partner(s) (if applicable)?	V		
C	Is there a formal agreement in place regarding the employment of local field assistants (including guides and translators)?	V		
D	Will care be taken to ensure that all individuals involved in implementing the research adhere to the ethical and research integrity standards set by the UoE?	V		
E	Have you reached agreements relating to intellectual property, publication and authorship?	V		
Guidance relating to collaborative working, the employment of local field assistants, and intellectual property rights can be found in the Self-Assessment Guidance Notes. If you answer YES to A, B or C please outline the format of this (e.g. written contract, email correspondence, witnessed verbal agreement) in the Additional Statement box at the end of the form. If you answer NO to any of the above please include a statement on your plans for agreeing the nature of any collaborative/working relationship(s) in the Additional Statement box at the end of the form. If applicable, append any written agreements to the end of the form.				

7	Dissemination and benefit sharing This box must be completed for all research projects	yes	no	N/A
A	Will the research reports, associated publications and other outputs accurately reflect the data collected?	V		
B	If the research will be undertaken outside the UK, will the research findings, associated publications and, where feasible, data be made available in the country where the research took place?	V		
C	Will you disseminate the findings to the study participants or land owners?	V		
D	Is the research expected to benefit the academic partners (directly or indirectly)?	V		
E	Is the research expected to benefit the non-academic partners, research participants and/or local communities (directly or indirectly)?	V		
<i>Guidance relating to dissemination and benefit sharing can be found in the Self-Assessment Guidance Notes. If you answer NO to A, B or C please include a statement justifying your decision in the Additional Statement box at the end of the form.</i>				

8	Other Approval	yes	no	N/A
A	Does the sponsor require formal prior ethical review?		V	
If Yes, by what date is a response required?				
B	Does the project require the approval of any other institution and/or ethics committee?		V	
If Yes, by what date is a response required?				

Additional Statement

The potential collaboration partners in the host country are the Oil Palm Adaptive Landscapes research team in Bogor Agriculture University (academy partner) and Indonesian Forum for Environment (NGO, non-academy partner). A simple written contract regarding the collaborative relationships with each of the partners will be issued upon the mutual agreement. Both of the potential partners require the acknowledgement of data and collaborative relationships in any related publications and result presentations. Both of the potential partners do not require ethnic review to the research but I will seek their advices on my field research schedule, informed consent, Plain Languages Statement and field assistant recruitment, and any other possible ethnic concerns of my research. The research team in Bogor Agriculture University has gained permissions for access several field sites in Kalimantan; by accessing those field sites, they will provide advices and guidelines to minimise the effects of disruption by my activities.

The National Survey data requests from BPS Statistics Indonesia will be served in accordance with Law Number 14 Year 2008 regarding Public Information Disclosure (<https://bps.go.id/website/fileMenu/fileMenu-15.pdf>). It requires the acknowledgement of the use of data in any related publications and result presentations, and the submission of any related publications to BPS for record purposes. Any additional requirement will be stated in the feedback upon the receipt of data application.

END OF FORM TO SUBMIT

Appendix 8 Information sheet for research participants

(English)

About the Project

1. This project aims to understand the challenges of public participation on environmental management practices – who participates and how they participate in environmental impact assessment (AMDAL). This project looks at the AMDAL Commission, as a party between the government authority and the affected community, how the Commission negotiates the positive and negative impacts of a development project.
2. Environmental impact assessment is an examination of the potential good and bad consequences of a proposed development project. In Indonesia, the assessment takes into account environmental and social impact. The assessment is governed and monitored by the Ministry of Environment and Forestry (MoEF). There are three administrative level of the assessment commission: Central, Provincial and District Commission.
3. This project asks how the AMDAL Commission members perceive the social impact of a proposed development project, what the committees perceive as “good” public participation, and how the committees see their role and function in evaluating a project’s social impacts. The project also explores how local people perceive the role and function of the Commission concerning public participation and social impact evaluation.

Responsibilities around the data collected in this study

1. This project is conducted by Jiayen Lai, a PhD student in Scotland’s Rural College and School of GeoSciences, University of Edinburgh, UK.

2. Data collection is assisted by the research assistant:
3. This project will collect data regarding the participants' experience around public participation, AMDAL and the involved development project(s). The project will also collect some basic information of the participants for research purpose, including age, gender, ethnicity, occupation, income and education.
4. Interviews and focus groups are being used for collecting the data.
5. The interviews and focus groups will be recorded using digital voice/video recording equipment. The researcher may also take notes and photos during the interviews and focus groups. The researcher will obtain the participant's consent to record, take note or take picture prior to the interviews and focus groups. The pictures will be edited to ensure that the participants' identities will not be revealed. The recordings will be used to make transcripts. Notes and pictures will be used as supporting materials for the research. The recordings will be destroyed after the transcript is completed. Notes and pictures will be stored securely by the researcher.
6. The data will be accessed by Jiayen Lai, Jiayen Lai's research assistant _____, Jiayen Lai's supervisors Alistair Hamilton, Fiona Borthwick, Sam Staddon and Janet Fisher. Minimal data may be accessed by the funding bodies, the local collaborators in Bogor Agricultural University, and the dissertation's examiners during the viva voce exam.
7. The participant's, the project's and the community's name and district information will be omitted in the written document, in the publications and during the viva voce examination. However, the participant's relevancy to the Environmental Impact Assessment will be presented. For AMDAL Committee, it could be a description of their work position in an anonymised AMDAL Commission. For the local people, it could be a description of the AMDAL process and the development project concerning their community and a description of the community's size, major industry, and other social and economic features.

8. Other information, such as job title, age, gender, and length of service, will be used as descriptive data in the written documents, publications and presentations. For example, the research may write “a total of 10 female and 8 male participants involved in this study” or “2 participants of 0-5 year’s length of service”. However, the personal information of any particular individual will not be presented together in order to protect the participant’s identity. For example, the research will not present an individual as “a female who has served as an environmental consultant for 20 years in the AMDAL Commission”.
9. The data will not be shared with other researchers or organisations unless the researcher gets the participant’s consent.
10. The research was reviewed and passed by the School of GeoSciences Ethic Committee on 21st June 2017.

What are the risks involved in this study?

The contributor’s name and geographical information will be removed to protect their identity. However, other information, such as age, gender and job title, will be used in the research. The researcher will not present any participant’s complete information to ensure the confidentiality. You have the right to ask the researcher to omit any of your personal information. You have the right to withdraw your participation at any point. You will be asked for consent to record the conversation each time before we start an interview. You can ask the researcher to stop taking notes or recording at any point. You could contact the researcher through email or phone (details below) at any point if you have any concern about the information or images used. You will be asked to review the information or images concerning your confidentiality after the interview or focus group. You have the right to remove any information or images if you are concerned to the uses of the information or images.

What are the benefits for taking part in this study?

The project aims to produce three academic papers regarding public participation and environmental impact assessment in Indonesia. It hopes to provide suggestions to improve the practice of environmental management. The participant is welcomed to leave their email address with the researcher. The participant will be notified when the final results are written up. The researcher is happy to participate in seminars, conferences, community events, etc. concerning public participation and environmental impact assessment. The participant is welcomed to contact the researcher if you would like to discuss about the opportunity of public engagement.

What are your rights as a participant?

Taking part in the study is voluntary. You may choose not to take part or subsequently cease participation at any time.

Will I receive any payment or monetary benefits?

You will receive no payment for your participation. The data will not be used by any member of the project team for commercial purposes. Therefore you should not expect any royalties or payments from the research project in the future.

What if I have concerns about this research?

If you are worried about this research, or if you are concerned about how it is being conducted, you can contact the Chair of the GeoScience's Ethics and Integrity Committee, University of Edinburgh, Drummond St, Edinburgh, EH8 9XP (or email at ethics@geos.ed.ac.uk).

This research is co-supported by School of Geoscience, University of Edinburgh and Scotland's Rural College.

This research is co-funded by Principal's Career Development Scholarship and Edinburgh Global Research Scholarship.

The research is supported by the field collaborator: OPAL project (Oil Palm Adaptive Landscape) of the Center for Agriculture and Rural Development Studies, Bogor Agricultural University (PSP3-LPPM IPB).

Appendix 9 Lembar informasi bagi peserta penelitian

(Information sheet in Indonesian)

Tentang proyek ini

1. Proyek ini bertujuan untuk memahami tantangan partisipasi masyarakat terhadap praktik pengelolaan lingkungan - siapa yang berpartisipasi dan bagaimana mereka berpartisipasi dalam AMDAL. Proyek ini melihat Komisi AMDAL, sebagai pihak perantara antara pemerintah dan masyarakat yang terkena dampak, bagaimana komisi berunding mengenai dampak buruk dan baik dari sebuah proyek pembangunan.
2. Analisis Mengenai Dampak Lingkungan (AMDAL) adalah pemeriksaan mengenai kemungkinan baik dan buruk dari proyek pengembangan yang diusulkan. Di Indonesia, AMDAL mempertimbangkan dampak lingkungan dan dampak sosial. AMDAL diatur dan dipantau oleh Kementerian Lingkungan Hidup dan Kehutanan (KLHK). Ada tiga tingkat administrasi komisi AMDAL: Komisi Pusat, Provinsi dan Kabupaten.
3. Proyek ini mempertanyakan bagaimana anggota Komisi AMDAL memandang dampak sosial dari proyek pembangunan yang diusulkan, apa yang komite melihat partisipasi masyarakat sebagai partisipasi masyarakat yang “baik”, dan bagaimana komite melihat peran dan fungsinya dalam mengevaluasi dampak sosial sebuah proyek. Proyek ini juga mengeksplorasi bagaimana masyarakat lokal memandang peran dan fungsi komisi AMDAL mengenai partisipasi masyarakat dan penilaian dampak sosial.

Tanggung jawab atas data yang dikumpulkan dalam penelitian ini

1. Proyek ini dilakukan oleh Jiayen Lai, mahasiswa PhD di *Scotland Rural's College* dan *School of GeoSciences, University of Edinburgh*, Inggris.
2. Pengumpulan data dibantu oleh asisten peneliti: _____
3. Proyek ini akan mengumpulkan data mengenai pengalaman peserta-peserta terkait partisipasi masyarakat, AMDAL dan proyek pembangunan yang terlibat. Proyek ini juga akan mengumpulkan informasi dasar para peserta untuk tujuan penelitian, termasuknya usia, jenis kelamin, etnik, pekerjaan, pendapatan, dan pendidikan.
4. Wawancara dan diskusi kelompok digunakan untuk pengumpulan data.
5. Wawancara dan diskusi kelompok akan direkam dengan menggunakan peralatan perekam suara/video digital. Peneliti juga akan membuat catatan dan mengambil gambar selama proses wawancara dan diskusi kelompok. Peneliti akan meminta persetujuan peserta sebelum wawancara dan diskusi kelompok untuk membuat rekaman, membuat catatan atau mengambil gambar. Gambar-gambar tersebut akan diedit untuk memastikan identitas para peserta tidak terungkap. Rekaman akan digunakan untuk membuat transkripsi. Catatan dan gambar akan digunakan sebagai bahan penunjang penelitian. Rekaman akan dihancurkan setelah transkripsi diselesaikan. Catatan dan gambar akan disimpan oleh peneliti dengan aman.
6. Data akan diakses oleh Jiayen Lai, asisten peneliti Jiayen Lai _____, supervisor Jiayen Lai, Alistair Hamilton, Fiona Borthwick, Sam Staddon dan Janet Fisher.
7. Data minimum akan dapat diakses oleh badan pendanaan, kolaborator lokal dan penguji disertasi dalam ujian *viva voce*. Peneliti akan memastikan kerahasiaan pribadi peserta selama pemeriksaan.
8. Informasi nama responden, jenis kegiatan (proyek) dan informasi desa dan wilayah tidak akan ditampilkan dalam dokumen tertulis, publikasi, dan ujian lisan oleh panelis

(viva voce examination). Namun relevansi responden bagi AMDAL akan ditampilkan. Bagi komisi AMDAL relevansi tersebut dapat berupa peran dalam komisi AMDAL yang dianomimkan. Bagi masyarakat setempat, hal tersebut dapat berupa deskripsi proses AMDAL dan pengembangan proyek terkait komunitasnya serta gambaran mengenai ukuran komunitas, industry-industri dan aspek social ekonomi lainnya.

9. Informasi lain seperti jenis kelamin, usia, pekerjaan dan lama bekerja akan digunakan sebagai data deskriptif dalam dokumen, publikasi dan presentasi. Sebagai contoh, hanya akan dituliskan : “total 10 wanita dan 8 pria yang menjadi partisipan dalam studi ini,” atau “dua peserta dengan mas kerja 0-5 tahun.” Untuk melindungi kerahasiaan, informasi personal tidak akan ditampilkan bersamaan, sebagai contoh, dalam dokumen tidak akan ditampilkan : “seorang wanita yang telah bekerja sebagai konsultan lingkungan selama 20 tahun yang duduk dalam Komisi AMDAL.”
10. Data tidak akan dibagi dengan peneliti atau perkumpulan lain kecuali peneliti mendapat persetujuan dari peserta.
11. Penelitian ini ditinjau dan disahkan oleh Komite Etika *the School of GeoSciences* pada tanggal 21 Juni 2017.

Apa risiko yang terlibat dalam penelitian ini?

Nama responden, dan informasi geografis tidak akan ditampilkan untuk melindungi identitas. Akan tetapi, informasi lain seperti usia, jenis kelamin dan pekerjaan akan digunakan dalam penelitian. Data-data responden akan dijamin kerahasiaannya dan tidak akan ditampilkan secara lengkap yang dapat memudahkan pihak lain mengidentifikasi responden. Responden memiliki hak meminta peneliti untuk tidak mencantumkan informasi pribadi dan untuk berhenti berpartisipasi. Responden akan dimintakan persetujuan terlebih dahulu sebelum kami merekam wawancara. Anda dapat meminta peneliti untuk berhenti mencatat atau merekam

kapan saja. Anda dapat menghubungi peneliti melalui email atau telepon (rincian di bawah ini) kapan saja jika Anda memiliki kekhawatiran mengenai informasi atau gambar yang digunakan. Anda akan diminta untuk meninjau informasi atau gambar setelah wawancara atau diskusi kelompok terkait kerahasiaan Anda. Anda memiliki hak untuk menghapus informasi atau gambar apapun jika Anda khawatir mengenai penggunaan informasi atau gambar tersebut.

Apa manfaat mengambil bagian dalam penelitian ini?

Proyek ini berencana untuk menghasilkan tiga makalah akademis mengenai partisipasi masyarakat dan penilaian dampak lingkungan di Indonesia. Proyek ini diharapkan dapat memberikan saran untuk memperbaiki praktik pengelolaan lingkungan. Peserta diterima dengan baik untuk meninggalkan alamat email mereka ke peneliti. Peserta akan diberitahu saat hasil akhir selesai ditulis. Peneliti dengan senang hati berpartisipasi dalam seminar, konferensi, acara komunitas, dan lain-lain yang terkait partisipasi masyarakat dan penilaian dampak lingkungan. Peserta diterima dengan baik untuk menghubungi peneliti jika Anda ingin membicarakan peluang keterlibatan masyarakat.

Apa hak Anda sebagai seorang peserta?

Mengambil bagian dalam penelitian ini bersifat sukarela. Anda dapat memilih untuk tidak mengambil bagian atau selanjutnya berhenti berpartisipasi kapan pun.

Apakah saya akan menerima bayaran atau keuntungan finansial?

Anda tidak akan menerima bayaran atas partisipasi Anda. Data penelitian ini tidak akan digunakan oleh setiap anggota dalam proyek ini untuk tujuan komersial. Oleh karena itu, Anda tidak mungkin menerima royalti atau pembayaran dari proyek penelitian ini di masa depan.

Bagaimana jika saya mempunyai kekhawatiran atas penelitian ini?

Jika Anda memiliki kekhawatiran atas penelitian ini, atau jika Anda khawatir dengan bagaimana penelitian ini dilaksanakan, Anda dapat menghubungi Ketua Komite Etika *GeoScience*, Universitas Edinburgh (*the Chair of the GeoScience's Ethics and Integrity Committee, University of Edinburgh*) di alamat: Drummond St, Edinburgh, EH8 9XP atau email: ethics@geos.ed.ac.uk.

Penelitian ini didukung oleh *School of Geoscience, University of Edinburgh* dan *Scotland's Rural College*.

Penelitian ini didanai oleh *Principal's Career Development Scholarship* dan *Edinburgh Global Research Scholarship*. Penelitian ini didukung oleh kolaborator lapangan: Penelitian OPAL (*Oil Palm Adaptive Landscape*) yang saat ini dilaksanakan oleh Pusat Studi Pembangunan dan Pedesaan, Lembaga Penelitian dan Pengabdian kepada Masyarakat, Institut Pertanian Bogor (PSP3-LPPM IPB).

Appendix 10 Consent – Semi-structured interviews (English)

I am a PhD student at the University of Edinburgh, in the United Kingdom. My name is Jiayen Lai. I am studying the implications of public participation on the environmental decision-making practice in Indonesia. I am interested in the role of AMDAL committee in the assessment process. I am also interested in local people's experience in the assessment process (refer to the information sheet).

If you agree to participate in this study, I will ask you questions about your experience in the AMDAL process. This usually lasts between one and two hours. Some of these may be personal or sensitive questions. You are free to choose not to answer any question. Once you agree to participate in this study, I will ask for consent to record the interview each time before we start an interview. I will also stop taking notes or recording if you prefer. You are also free to end the conversation at any time. If you decide to stop the conversation, you do not have to give me a reason why.

Anything you tell me will be confidential and anonymised. I will not use your name or any details that might identify you when I write and publish my work. I will not tell anyone that we have had a conversation. My notes will be stored securely. The recordings of our conversation(s) will be destroyed after the transcripts is produced. You will not be paid for taking part in this study.

Do you have any questions about me, my project, or this conversation before we begin?

Now I'm giving you the contact of mine and my supervisor. My supervisor is Alistair Hamilton (email:). If you have any concerns about this study or my behaviour, you can contact him. If you need help sending him an email, I will help you. You can contact me at [email: , telephone number:] while I am in Indonesia and UK.

Appendix 11 Naskah persetujuan lisan untuk wawancara (Interviews consent in Indonesian)

Saya adalah mahasiswa Pascasarjana (S3) Universitas Edinburgh di Inggris. Nama saya Jiayen Lai. Saya mempelajari implikasi dari keterlibatan partisipasi masyarakat dalam praktik pengambilan keputusan mengenai lingkungan hidup di Indonesia. Saya tertarik dengan peranan Komisi Penilai AMDAL dalam proses penilaian AMDAL. Saya juga tertarik dengan pengalaman masyarakat lokal dalam penilaian tersebut (Ditunjukkan dalam Lembar informasi).

Jika Anda setuju untuk berpartisipasi dalam penelitian ini, saya akan mengajukan beberapa pertanyaan mengenai pengalaman Anda dalam proses penilaian AMDAL. Wawancara ini biasanya berlangsung selama satu hingga dua jam. Beberapa pertanyaan di antaranya mungkin bersifat pribadi atau sensitif. Anda bebas memilih untuk tidak menjawab pertanyaan apapun. Setelah Anda setuju untuk berpartisipasi dalam penelitian ini, saya akan meminta izin untuk merekam wawancara setiap saat sebelum memulai wawancara. Saya juga akan berhenti mencatat atau merekam jika Anda mau. Anda juga bebas mengakhiri percakapan kapan saja. Jika Anda memutuskan untuk menghentikan percakapan, Anda tidak perlu memberi saya alasan mengapa.

Apa pun yang Anda katakan akan bersifat rahasia dan anonim. Saya tidak akan menggunakan nama Anda atau informasi lainnya yang dapat membuka jati diri Anda ketika saya menulis dan menerbitkan karya saya. Saya tidak akan memberitahu siapapun bahwa saya dan Anda pernah melakukan percakapan. Saya tidak akan mengungkapkan rincian pribadi anda. Catatan saya akan disimpan dengan aman. Rekaman atas percakapan kita akan dihancurkan setelah transkripsi dibuat. Anda tidak akan dibayar untuk berpartisipasi dalam penelitian ini.

Apakah Anda memiliki pertanyaan mengenai saya, proyek saya atau percakapan ini sebelum kita mulai?

Sekarang saya memberi kontak saya dan supervisor saya. Supervisor saya Alistair Hamilton [email:]. Jika Anda punya kekhawatiran atas penelitian ini atau perilaku saya, Anda dapat menghubungi dia. Jika Anda memerlukan bantuan untuk mengirimkan email kepadanya, saya akan membantu Anda. Anda dapat menghubungi saya dengan email [], telepon [] saat saya berada di Indonesia dan nomor telepon [] saat saya berada di Indonesia dan Inggris.

Appendix 12 Consent – Focus groups (English)

1. I agree to participate in the focus group carried out by Jiayen Lai of the University of Edinburgh, to aid with the research of “Procedural justice in environmental decision-making: The social implications of Environmental Impact Assessment (AMDAL) on Indonesia’s deforestation”.
2. I have read the information sheet related to the “Procedural justice in environmental decision-making: The social implications of Environmental Impact Assessment (AMDAL) on Indonesia’s deforestation” and understand the aims of the project.
3. I am aware of the topics to be discussed in the focus group.
4. I am fully aware that I will remain anonymous throughout data reported and that I have the right to leave the focus group at any point.
5. I am fully aware that data collected will be stored securely, safely and in accordance with the United Kingdom Data Collection Act (1998).
6. I am fully aware that I am not obliged to answer any question, but that I do so at my own free will.
7. I agree to have the focus group recorded (video or dictaphone), so it can be transcribed after the focus group is held. I am aware that the recordings of the focus group will be destroyed after the transcript is produced.
8. I am aware that I have the right to edit the transcript of the Focus Group once it has been completed.
9. I am aware that I can make any reasonable changes to this consent form.

**Appendix 13 Lembar pernyataan persetujuan diskusi
kelompok terarah (Focus groups consent in Indonesian)**

1. Saya setuju untuk berpartisipasi dalam diskusi kelompok terarah yang dilaksanakan oleh Jiayen Lai dari Universitas Edinburgh, untuk membantu penelitian “Keadilan prosedural dalam pengambilan keputusan lingkungan hidup: Implikasi sosial dari Analisis Mengenai Dampak Lingkungan (AMDAL) terhadap deforestasi di Indonesia”
2. Saya sudah membaca lembar informasi yang terkait dengan proyek “Keadilan prosedural dalam pengambilan keputusan lingkungan hidup: Implikasi sosial dari Analisis Mengenai Dampak Lingkungan (AMDAL) terhadap deforestasi di Indonesia”, dan memahami tujuan dari proyek tersebut.
3. Saya mengetahui topik yang akan dibahas dalam kelompok terarah ini.
4. Saya sepenuhnya mengetahui bahwa saya akan tetap anonim di semua data yang dilaporkan dan saya berhak meninggalkan kelompok terarah ini kapan saja.
5. Saya sepenuhnya mengetahui bahwa data yang terkumpul akan disimpan dengan aman dan sesuai dengan *The United Kingdom Data Collection Act* (1998).
6. Saya sepenuhnya mengetahui bahwa saya tidak berkewajiban untuk menjawab pertanyaan apapun, tetapi saya melakukannya dengan sukarela.
7. Saya setuju kelompok terarah ini direkam (video atau dictaphone), supaya kelompok terarah ini dapat ditranskripsi setelah pelaksanaan. Saya mengetahui bahwa rekaman atas diskusi kelompok terarah akan dihancurkan setelah transkripsi dibuat.
8. Saya mengetahui bahwa saya berhak menyunting transkripsi kelompok terarah ini setelah transkripsi selesai dibuat.
9. Saya mengetahui bahwa saya dapat membuat perubahan yang wajar atau masuk akal pada lembar pernyataan ini.

Appendix 14 Consent and questions - Personal data collection (English)

I would like to ask you some informative questions about you and your household. All of the answers you give will be confidential and will not be shared with anyone other than members of our research team. You don't have to share your personal information at all. If I ask you any question you don't want to answer, just let me know and I will go on to the next question. Also you can stop the survey at any time.

Do you have any questions?

May I start collecting your data now?

Table A-7 Question list of personal data.

Code	Question	Answer
001	Data collector	1= Deby (Assistant 1) 2= Asti (Assistant 2)
002	Date:	
003	Time:	
004	Location:	*Location synced if consent is granted
005	Interview held at:	*Photo taken if consent is granted
006	Native language of respondent:	
101	Sex:	1=Male 2=Female
102	Age:	
103	Ethnicity:	
104	Main job:	

Code	Question	Answer
105	Do you have other jobs except the main job?	1=Yes 0=No
106	Marital status:	1=married or living together 2=divorced or separated 3=widowed 4=never-married and never lived together
107	Role in AMDAL (optional)	0=N/A 1=Consultant 2=Technical team 3=Commission team 4=Evaluation team 5=Other
108	Position in AMDAL (optional)	0=N/A 1=Academic 2=Governmental 3=NGO 4=Community 5=Company 6=Other
109	Years of experience in AMDAL:	
110	How many times you have participated in public consultation events?	
111	Have you ever attended school?	1=Yes 0=No
112	What is the highest level of school you have attended?	0 = Preschool 1 = Primary 2 = Secondary 3 = Higher 8 = Don't know

Code	Question	Answer
113	What is the highest grade you completed at that level? (00 = Less than 1 year completed; 98 = Don't know)	
114	Do you currently attend school?	1=Yes 0=No
115	During this school year, what level and grade is you attending?	
000	Interviewer's comment	

Appendix 15 Lembar persetujuan dan pernyataan profil

(Personal data consent in Indonesian)

Saya akan bertanya mengenai beberapa pertanyaan mengenai profil Bapak/Ibu beserta keluarga. Semua jawaban yang Bapak/Ibu berikan akan dirahasiakan dan tidak akan di sebarakan kepada siapapun kecuali anggota penelitian kami. Bapak/Ibu tidak harus mengikuti survey ini. Jika saya menanyakan suatu pertanyaan yang tidak ingin Bapak/Ibu jawab, beritahu saya dan saya akan melanjutkan ke pertanyaan selanjutnya. Bapak/Ibu juga dapat memberhentikan wawancara ini kapan saja.

Apakah Bapak/Ibu memiliki pertanyaan?

Bisakah saya mulai mengumpulkan data Anda sekarang?

Table A-8 Pernyataan profil (Personal data question list in Indonesian).

Kode	Soal	Jawaban
001	Pewawancara	1=Asti 2=Deby
002	Tanggal	
003	Pukul	
004	Lokasi	
005	Wawancara dilakukan di	
006	Bahasa asli responden	
101	Jenis Kelamin	1=Laki-Laki 2=Perempuan
102	Umur	
103	Suku	
104	Pekerjaan Utama	

Kode	Soal	Jawaban
105	Apakah anda memiliki pekerjaan sampingan selain pekerjaan utama	1= Iya 0= Tidak
106	Status Perkawinan	1=Menikah atau tinggal bersama 2= Berceraai atau berpisah 3= Janda 4= Belum menikah dan tidak tinggal bersama
107	Peran dalam AMDAL (Boleh memilih)	0= tidak berlaku 1= Konsultan 2= Tim Teknis 3= Tim Komisi 4= Tim Evaluasi 5= Lainnya
108	Posisi dalam AMDAL (Boleh memilih)	0= tidak berlaku 1= Akademisi 2= Pemerintahan 3= LSM 4= Masyarakat 5= Perusahaan 6= Lainnya
109	Pengalaman di AMDAL berapa tahun	
110	Berapa kali anda berpartisipasi dalam kegiatan konsultasi publik	
111	Apakah anda pernah bersekolah ?	1= Iya 0=Tidak

Kode	Soal	Jawaban
112	Apa tingkat pendidikan tertinggi yang pernah anda ikuti ?	0= Prasekolah 1= SD 2= SMP 3= Lebih tinggi 8= Tidak tahu
113	Apa kelas tertinggi yang telah anda selesaikan pada tingkat (pendidikan) tersebut (00= Selesi kurang dari 1 tahun; 98 = Tidak tahu)	
114	Apakah anda saat ini bersekolah ?	1= Iya 0=Tidak
115	Selama tahun ajaran ini, tingkat dan kelas apa yang anda ikuti ?	
000	Komentar pewawancara	

